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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1993

Addendum

STATE OF KUWAIT

[23 August 1996]

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I. GENERAL MEASURES OF IMPLEMENTATION

1. By ratifying the Convention on the Rights of the Child under the terms of Decree No. 104/91 and publishing it in the official gazette Kuwait Today No. 20 of 6 October 1991, the State of Kuwait made a new international undertaking to promote and protect human rights, since it had already acceded to a number of international conventions relating to human rights.

A. Measures taken to amend relevant national legislation

2. It is noteworthy that, following the State of Kuwait's accession to this Convention, the competent authorities took the following measures to amend some of the national legislation in a manner consistent with the provisions of the Convention:

(a) Juvenile welfare: Under the terms of Ministerial Ordinance No. 253 of 1993, a committee was formed to review the Juveniles Act. During the formation of the committee, care was taken to ensure participation by all the government agencies concerned with juvenile welfare in Kuwait. The committee carried out a meticulous review of the provisions of the Act;

(b) Children of unknown parentage: A committee was formed to review the provisions of the Family Fostering Act No. 82 of 1977 in a manner consistent with the Convention on the Rights of the Child. It is noteworthy that the current Act aims to encourage families to undertake the full care and upbringing of children of unknown parentage under the supervision of the Ministry of Social Affairs and Labour, and to safeguard the rights of foster children on a completely equal footing with the family's ordinary children. In general, this is one of the Acts which most effectively safeguard the rights of children of unknown parentage.

3. The State is currently in the final stages of drafting a Disabled Persons Act, which will be the starting point for more extensive dealings with all bodies concerned with the disabled. Following the promulgation of the said Act, a Higher Council for the Disabled, including representatives of all the government and private bodies dealing with the disabled, will be formed in order to formulate a strategy on ways to deal with this category of persons in the State of Kuwait. It should be noted that the delay in promulgating such an Act does not mean that disabled persons in the State of Kuwait lack services. On the contrary, Kuwait is regarded as a highly advanced State in this field and the said Act merely gathers all those services under one roof in a single instrument so that disabled persons can thereby benefit from all the privileges that they are accorded by the State.

4. The competent authorities in the State of Kuwait are currently studying the possibility of concluding bilateral agreements with some States on the subject of the fostering of children and their transfer across international frontiers.

5. The State of Kuwait has formulated the following child-care development plans.

6. The main aims of the Five-Year Development Plan for the period 1990/91 to 1994/95 included the following:

(a) Improvement of the standard of all types of social services to meet the needs of individuals and families, and the provision of services in such a way as to enable all citizens to enjoy a decent life in which they will feel secure concerning their present and future situation;

(b) Improvement of the material and moral living conditions and endeavours to safeguard public health and promote awareness of the importance of maintaining a healthy diet.

7. The main aim of the Transitional Remedial Plan for the period 1992/93 to 1994/95 was to remedy the damage caused by the iniquitous Iraqi invasion and eliminate its adverse health, psychological and social effects on individuals and society by expanding the range of health services available to mothers and children, supplementing existing facilities and providing services in an effective manner.

B. Measures taken to make the Convention more widely known

8. The State of Kuwait's ratification of the Convention and its publication in the Official Gazette in themselves constitute measures to make the provisions of the Convention widely known. In fact, its publication in the Official Gazette will help to make the public familiar with the content of the Convention by giving them an opportunity to study its provisions.

9. In the State of Kuwait, government and private bodies and institutions are playing a leading role in promoting awareness of the rights of the child.

10. The State of Kuwait's participation, in the person of His Highness Shaikh Jaber al-Ahmad, the Amir of the country, may God preserve him, in the World Summit for Children held at New York on 20 September 1990, at which the Declaration on the Survival, Protection and Development of Children was adopted, provided an opportunity to make the Convention widely known since His Highness the Amir of the country, may God preserve him, delivered a statement describing the major humanitarian role that the State of Kuwait was playing in the field of child care and also referring to the material, medical and educational assistance that the State of Kuwait had extended to children in many countries of the world.

11. Moreover, participation by the State of Kuwait, represented by its various sectors, in regional and international conferences and meetings is also helping to make the provisions of the Convention more widely known.

II. DEFINITION OF THE CHILD

12. Kuwaiti legislation is consistent with the provisions of article 1 of the Convention, which defines a child as every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier. Our legislation defines a child as follows:

The Juveniles Act No. 3 of 1983 defines a juvenile as "any male or female under 18 years of age".

Article 17 of the Private Sector Employment Act No. 38 of 1964 states that, for the purposes of the Act, a juvenile means "any male or female over 14 but under 18 years of age".

Article 18 of the Kuwaiti Penal Code (Act No. 16 of 1960) stipulates that "anyone who, at the time of committing an offence, was under 7 years of age shall not be liable to criminal prosecution".

Article 208 of the Personal Status Act No. 51 of 1984 stipulates that "a child shall be subject to guardianship of his or her person until attaining legal majority or reaching the age of 15 years".

Article 26 of the same Act prohibits the notarization or certification of a contract of marriage for a young girl under 15 years of age or a young man under 17 years of age at the time of notarization.

The Family Fostering Act defines a juvenile as being any human being under 18 years of age who has not attained legal majority.

13. From the above, it is evident that the definition of a child, as contained in the Kuwaiti legislation in force, is consistent with the definition set forth in article 1 of the Convention since the ages of children, as referred to in that legislation range from 7 to 18 years of age.

III. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

14. Article 2 of the Convention stipulates that the rights set forth in the Convention must be respected and ensured to each child without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. Paragraph 2 of that article places the States parties under a further obligation to take all appropriate measures to ensure that the child is protected against all forms of discrimination.

15. In this connection, Kuwait wishes to emphasize that Kuwaiti society, being based on justice and equality, strongly rejects all forms of discrimination and, in this regard, makes no distinction between men, women and children in regard to their right to enjoy all the rights and freedoms recognized in the Kuwaiti Constitution and the legislation in force on an equal footing and without any discrimination on grounds of sex, age or religion. This is confirmed in article 7 of the Constitution, which indicates that the principle of equality is one of the basic pillars of Kuwaiti society. The Preamble to the Constitution had already designated equality as one of the cornerstones of Kuwaiti society.

16. Article 29 provides further details concerning the principle of equality by indicating that "all persons are equal in regard to human dignity and are

also equal before the law in regard to their public rights and obligations, without distinction on grounds of sex, origin, language or religion". In this connection, reference must also be made to the manner in which this article is interpreted in the Explanatory Notes on the Constitution, which state as follows: "This article embodies the principle of equality in regard to rights and obligations in general. It then makes specific reference to the most important applications of this principle by adding the words 'without distinction on grounds of sex, origin, language or religion'. It was deemed preferable not to include the words 'or colour or property', even though these words appear in the Universal Declaration of Human Rights, since there is not even the slightest suspicion of racial discrimination in the country, the text of this article being sufficient to dispel any such suspicion. Discrimination among persons on grounds of property is inherently alien to Kuwaiti society and, consequently, there is no need for a specific provision to prohibit it".

17. The Juveniles Act reaffirms this fact, to which it gives tangible expression by showing due regard for age and the need for non-discrimination and equal treatment in regard to the rights and obligations of all social groups and the penalties imposed for the commission of a legally punishable offence by any child irrespective of his or her nationality or origin. In this regard, the said Act is consistent with the provisions of article 2 of the Convention, which stresses the importance of ensuring non-discrimination among children, irrespective of whether they are juvenile delinquents or at risk of becoming delinquents, since no provision of the Juveniles Act No. 3 of 1983 makes any reference to discrimination. This Act is regarded as a general enactment applicable to juveniles in Kuwait, as affirmed in article 1 (b) which defines a juvenile delinquent as "any juvenile over 7 but under 18 years of age who has committed a legally punishable offence". The Act does not discriminate between males and females in regard to the manner in which they should be treated.

B. Best interests of the child (art. 3)

18. In Kuwaiti law and legislation, the best interests of the child are a primary consideration, particularly in matters directly concerning children. For example, the Kuwaiti Personal Status Act takes care to accord priority to the interests of the child in matters such as wet-nursing, fostering, guardianship and maintenance. A study of the provisions relating to those matters shows that the Kuwaiti legislature attaches paramount importance to the interests of the child.

19. The provisions concerning the employment of juveniles, as set forth in Section V of the Private Sector Employment Act, show particular regard for the interests of juveniles by prohibiting the employment of young children lest they be exposed to various forms of physical coercion and exploitation. Article 18 prohibits the employment of persons of either sex who are under 14 years of age. Article 19 permits the employment of juveniles between 14 and 18 years of age. However, as can be seen from the conditions that it lays down, the aim of this article is to protect juveniles by ensuring that they are not employed in industries or occupations that are hazardous or detrimental to their health. The cases in which the employment of juveniles in these occupations is permitted are subject to specific conditions.

Article 21 prohibits the employment of juveniles for night work and article 22 specifies the maximum working hours of juveniles and stipulates that they must not be required to work for more than four consecutive hours.

20. Under article 3, paragraph 2, States parties have an obligation to ensure such protection and care as is necessary for the child's well-being, taking into account the rights and duties of his or her parents, legal guardians or other individuals legally responsible for him or her, and, to this end, must take all appropriate legislative and administrative measures. Concerning the position of Kuwaiti legislation in regard to the obligation set forth in that paragraph, this report will review some of the provisions of the Constitution, as well as other relevant Kuwaiti legislation, and will refer to the State's child-care development plans. These provisions are as follows:

21. The Kuwaiti Constitution: The Constitution contains a number of provisions that guarantee care and protection for the family and the younger generation, who constitute the basic structural units of Kuwaiti society. The Constitution also emphasizes the role of the family, the cohesion of which is necessary in order to protect children from exploitation and perdition. This is affirmed in article 9, which states that: "The family, being based on religion, morality and patriotism, is the cornerstone of society. The law shall protect the integrity of the family, strengthen its ties and protect mothers and children within its framework". The Constitution designates the welfare of the younger generation as one of the State's essential priorities, as can be seen from article 10 which stipulates that: "The State shall cater for the welfare of young persons, whom it shall protect from exploitation and from moral, physical and spiritual neglect."

22. Relevant Kuwaiti legislation: In addition to the constitutional provisions setting forth the rights of the younger generation vis-à-vis the State, Kuwait has also promulgated numerous legislative enactments in order to ensure the protection and welfare of children, as illustrated by the following:

(a) The Juveniles Act No. 3 of 1983. The Juveniles Act deals specifically with the problem of juveniles in Kuwait. It shows due regard for the legal and social status of juveniles, particularly in regard to their welfare and protection from exploitation, vagrancy and exposure to danger (arts. 21, 22 and 23). This Act also shows due regard for the special status of juveniles in criminal and other legal proceedings during their trial and sentencing (arts. 23, 28, 31 and 40). In view of the importance of juveniles in Kuwait, the State rapidly established the institutions needed to meet the requirements of this Act in accordance with sound social and scientific principles in order to ensure the welfare of this category of persons and meet their psychological, educational and health needs in such a way as to provide the environment needed to promote their welfare, rectify their behaviour and treat their problems;

(b) The Kuwaiti Penal Code (Act No. 16 of 1960). The Kuwaiti Penal Code contains some provisions concerning the protection of children, as well as provisions concerning juveniles, such as article 18 which stipulates that: "Any one who, at the time of committing an offence, was under 7 years of age shall not be liable to criminal prosecution.";

(c) The Family Fostering Act. With a view to promoting the welfare of children born out of wedlock and establishing procedures to deal with this deprived category, the State of Kuwait promulgated the Family Fostering Act No. 82 of 1977, the aim of which was to encourage families to undertake the full care and upbringing of children of unknown parentage under the supervision of the Ministry of Social Affairs and Labour and to safeguard the rights of foster children. This is one of the Acts which most effectively safeguard the rights of children of unknown parentage. Family fostering, as defined in article 1 of this Act, means "placement of one or more children from the children's home run by the Ministry of Social Affairs and Labour in the custody of Muslim Kuwaiti families willing to provide them with shelter and care and to assume responsibility for their upbringing, on behalf of the State, in accordance with the procedures and conditions set forth in the Act". The Act also deals with the question of individuals and families who foster children of unknown parentage without complying with the provisions of the Act, article 4 of which stipulates that it is prohibited for individuals or bodies to engage in any activity relating to the fostering of children of unknown parentage in a manner that runs counter to the provisions of the Act. Under the terms of Ministerial Ordinance No. 179 of 1993, the role of the Family Fostering Department at the Ministry of Social Affairs and Labour is not confined to the placement of children in the custody of families wishing to foster them; it also monitors the manner in which those children are cared for. If a foster family fails to provide the care required under the terms of this Act, the child is removed from its custody and returned to the Family Fostering Department (art. 9 of the Act). The said Department implements the State's policy in regard to the welfare of children of unknown parentage and children from broken homes through its technical, administrative and financial organs. The Children's Department ensures the protection and safety of children by enforcing the regulations concerning the establishment and control of private and public children's homes. It should be noted that, under the regulations governing private children's homes, as promulgated in Ministerial Ordinance No. 73 of 1994, the owner of the home is required to obtain a licence to engage in this activity in accordance with conditions that ensure that the child is fully protected in a secure place that meets every requirement for the child's safety, without any possibility of neglect;

(d) Act No. 97 of 1983 concerning the establishment of the Public Authority for the Affairs of Minors. The Public Authority for the Affairs of Minors, which was established under the terms of this Act, is an independent body supervised by the Minister of Justice. It exercises all the powers vested in a guardian, tutor or supervisor, such as the following:

(i) Guardianship of Kuwaiti minors lacking a guardian or tutor and of unborn children without a tutor;

(ii) Tutorship of persons with diminished legal capacity or totally lacking such capacity, as well as missing and absent Kuwaitis in cases in which a court has not appointed a curator to administer their property;

(iii) Supervision of the conduct of guardians and tutors if so assigned by a court;

(iv) Administration of bequeathed property in the manner specified in the Act;

(v) The activities of the said Authority have many charitable and humanitarian aspects since it supervises the welfare of orphans, provides them with everything needed for a decent life and assists those in need through the payment of monthly, seasonal and lump-sum allowances.

The Authority also shows special concern for wards of court and aged and legally incapacitated inmates of social welfare, educational and psychiatric institutions, whom it visits from time to time with a view to ensuring that they are provided with the best means of care and the best possible services. The Authority has also recently been in the habit of visiting minors living in various Arab and Gulf States in order to check on their living conditions, solve their family and financial problems and provide them with assistance in the same way as their counterparts in Kuwait. In actual fact, these are not isolated endeavours; they bear witness to the Authority's desire to extend the welfare umbrella to children everywhere and to establish closer contacts with them in accordance with the requirements of its special social role and its humanitarian vocation to serve society. According to the latest statistics, the Authority is providing care for about 25,000 minors;

(e) The Personal Status Act No. 51 of 1984. This Act, which was promulgated on 7 July 1984, contains provisions relating to the protection of children. For example, nursing, custody, maintenance and guardianship are regulated, respectively, in sections 4, 5 and 6 of volume III in such a way as to guarantee the care and upbringing of children.

23. The State's child-care development plans. In this connection, reference must be made to the development plans that the State has adopted in order to ensure child care. The main aims of the Five-Year Development Plan for the period 1985/86 to 1989/90 were as follows:

(a) To promote the proper upbringing of children of pre-school age and to encourage the enrolment of all children in kindergartens, with special emphasis on broadening the child's mental faculties and strengthening the role of the family and specialized institutions in children's education;

(b) To provide and maintain a healthy environment and protect it from deterioration and pollution;

(c) To improve the standard of health care and make it easily accessible to all;

(d) To provide comprehensive, efficient and easily accessible preventive health services;

(e) To develop therapeutic health services and make them easily accessible;

(f) To improve the health and rehabilitation services available to certain categories and sectors in need thereof, such as children, pregnant women, handicapped and disabled persons and the aged;

(g) To provide the social services needed to ensure the welfare of children, disabled persons, orphans and children without families;

(h) To develop and diversify the social, cultural and recreational services provided for children and young persons;

C. The right to life, survival and development (art. 6)

24. Under this article, States parties are required to recognize that every child has a right to life, survival and development. Since this is the principal right to which all the other rights are subordinate, it is protected by Kuwaiti law, under which any violation thereof is a punishable offence.

25. The position of Kuwait's national legislation in regard to the right to life, survival and development is as follows.

(a) Kuwaiti Penal Code: Abortion is a punishable offence under the terms of article 174 of this Code, which stipulates that: "Anyone who supplies, or is instrumental in supplying, a pregnant or non-pregnant woman with drugs or other harmful substances, with or without her consent, or who uses force or any other means to induce an abortion shall be liable to a penalty of up to 10 years' imprisonment, to which may be added a fine of up to 1,000 dinars. If the offender is a medical practitioner, a pharmacist, a midwife or a person working in the auxiliary medical or pharmaceutical professions, the penalty shall be a term of up to 15 years' imprisonment, to which may be added a fine of up to 2,000 dinars". Under article 159, any woman who deliberately kills her newborn child in order to avoid dishonour is liable to a penalty of up to five years' imprisonment. Article 176 of the said Code stipulates that: "Any woman who successfully induces an abortion by absorbing drugs or other harmful substances, using force or any other means or permitting another person to bring about the abortion in the above-mentioned manner shall be liable to a penalty of up to five years' imprisonment and/or a fine of up to 5,000 rupees". Under article 177, anyone who knowingly prepares, sells, offers for sale or in any way makes available substances used to induce an abortion is liable to a penalty of up to three years' imprisonment;

(b) The Personal Status Act No. 51 of 1984: Section 4 of this Act regulates the question of wet-nursing. Under article 186, a mother has an obligation to suckle her child if the child cannot be nurtured on milk other than her own.

26. In addition to the above, the Government, represented by the Ministry of Public Health, provides preventive and therapeutic services in order to protect its citizens, including children, from diseases and safeguard their health. The Government also supervises establishments and institutions engaged in public health activities, as well as persons working in the field of health services, in order to ensure provision of the best possible

services. Furthermore, the Government has established maternal and child care centres and has formulated plans and programmes to protect children from diseases and epidemics that threaten their lives and development.

27. The Government is endeavouring to cooperate and coordinate with Arab and foreign States and organizations in all fields relating to public health.

D. Respect for the views of the child (art. 12)

28. A study of the provisions of this article shows that it deals with the question of respect for the child's own views and recognizes his or her right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. For this purpose, the child should in particular be provided opportunities to be heard in any judicial or administrative proceedings affecting the child, either directly or through a representative or an appropriate body.

29. The right to express views freely is guaranteed in the Kuwaiti Constitution and legislation. Every citizen has the right to express his views in full freedom, verbally, in writing or through publication in the newspapers, within the limits of the law and provided that such expression is neither prejudicial to the dignity of other persons nor detrimental to public morals, national security or public order. Article 36 of the Constitution stipulates that: "Freedom of opinion and scientific research is guaranteed. Everyone has the right to express and propagate his opinion verbally, in writing or otherwise, in accordance with the conditions and procedures specified by law."

30. Freedom of opinion assumes many forms, including freedom of expression, freedom of the press, freedom of education and freedom of assembly and association. The Kuwaiti Constitution recognizes freedom of opinion in all its forms. Article 37 of the Constitution stipulates that: "Freedom of the press and of printing and publication is guaranteed in accordance with the conditions and procedures specified by law." Pursuant to these constitutional provisions, the State promulgated the Press and Publication Act No. 3 of 1961, article 1 of which stipulated that freedom to write, print and publish was guaranteed within the limits of the law.

31. The youth centres, sports clubs, various types of information media and other government or private recreational and cultural institutions that have been established throughout the country are an important means to develop the child's personality and guarantee the child's right to express his or her opinion and to participate in social life. This is evident from the numerous activities in which children can engage by virtue of the availability of those facilities.

32. From the above, it is clear that freedom of opinion is protected within the limits of the legislation in force and applies to all members of society, including children.

IV. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality (art. 7) (reservation concerning this article) and preservation of identity (art. 8)

33. Under this article, the States parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference. In this connection, article 27 of the Kuwaiti Constitution stipulates that Kuwaiti nationality shall be defined by law and shall not be invalidated or withdrawn except as provided by law.

34. The Kuwaiti Nationality Act No. 15 of 1959 defines the circumstances in which Kuwaiti nationality may be forfeited or invalidated under the terms of rules and conditions laid down by law. Article 11 of the said Act stipulates that: "A Kuwaiti shall forfeit his nationality if he chooses to adopt a foreign nationality. His Kuwaiti wife shall not forfeit her nationality unless she assumes his nationality. His minor children shall forfeit their Kuwaiti nationality if they assume their father's new nationality in accordance with the law concerning that nationality. If they opt for Kuwaiti nationality, they must notify the Minister of the Interior within two years after reaching the age of majority."

35. Kuwaiti law protects the right of the child to preserve his or her name and family relations and also protects the right of the child to have a name by which he or she is known, since a person's name or patronymic can be changed only by following specific procedures laid down in Legislative Decree No. 1 of 1988 which regulates the procedures for applications to change or rectify names or patronymics and article 1 of which stipulates that applications to change or rectify names or patronymics shall be admissible only if they are preceded by an investigation conducted by a committee chaired by a member of the Department of Public Prosecutions, the said investigation being carried out at the request of the persons concerned.

36. This right is guaranteed in the Kuwaiti Penal Code, article 178 of which prescribes a penalty of up to seven years' imprisonment for anyone who abducts a person without his consent by forcing him to move from the place in which he is normally resident to another place and detaining him therein. Article 183 further stipulates that anyone who abducts, conceals or exchanges a newborn baby or falsifies the said baby's parentage is liable to a penalty of up to 10 years' imprisonment.

37. The above-mentioned texts clearly show that the State protects children from unlawful deprivation of all or any of the components of their identity.

B. Freedom of expression (art. 13)

38. Article 36 of the Constitution forms the legal basis of the guarantee of freedom of opinion and freedom to express opinions, since it stipulates that: "Freedom of opinion and scientific research is guaranteed. Everyone has the right to express and propagate his opinion verbally, in writing or otherwise, in accordance with the conditions and procedures specified by law."
Article 37 further stipulates that freedom of the press and of printing and

publication is guaranteed in accordance with the conditions and procedures specified by law. Accordingly, every Kuwaiti has the right to express his opinion verbally, in writing, in print or by any other means of his choosing, in accordance with the conditions and procedures specified by law.

39. Article 1 of the Press and Publication Act No. 3 of 1961, as amended by Acts Nos. 29 of 1995, 9 of 1972, 59 of 1976, 69 of 1976, 57 of 1986 and 73 of 1986, stipulates that freedom to write, print and publish is guaranteed within the limits of the law. This Act specifies the matters which it is prohibited to publish. These are:

(a) Anything prejudicial to the essence of God or to the person of the Amir;

(b) Anything which is prejudicial to Heads of State or which would disrupt good relations between Kuwait and other States;

(c) Anything which would be detrimental to public morals or prejudicial to the dignity or personal freedoms of others;

(d) Anything which would incite persons to commit offences or would instigate hatred or propagate a spirit of discord among the members of society.

40. Kuwaiti children can express their views by various ways and means including, in particular, educational and cultural programmes designed to benefit children and young persons.

C. Access to appropriate information (art. 17)

41. Kuwait recognizes the important role that is played by the various information media. The State guarantees the child's access to information and material from various national and international sources and, to that end, various agencies of the State undertake numerous field research projects and organize public symposia which make accessible and discuss in the greatest possible detail all new scientific developments concerning children at the local and international levels. They also endeavour to exchange scientific and cultural information in this field through the conclusion of bilateral and multilateral agreements with other States. Most of these agreements make provision for cooperation in the production, publication and exchange of information.

42. Government and private agencies also engage in many activities with a view to providing the child with access to information to develop his or her capabilities through:

(a) Enlightening lectures at various educational levels;

(b) School libraries. One of the aims of the Ministry of Education is to help children to acquire appropriate information and forms of knowledge on all aspects of life of concern to them as members of society. In this respect, care is taken to ensure that the information acquired covers all the appropriate aspects of cultural, linguistic, religious, scientific, artistic,

sports, social and other forms of knowledge resulting from modern studies and trends. Accordingly, the Ministry of Education has endeavoured to develop academic curricula through which children can learn and acquire basic experience and information. In addition to the above, the Ministry has also taken care to provide a library service in every school in order to provide children with access to a wide variety of information. With regard to promotion of the production and publication of children's books, the authorities concerned in the State, within their respective fields of jurisdiction, are providing material support for the printing of books to help children or to identify their problems in order to make families more aware of their children's problems and find appropriate solutions thereto;

(c) Kindergartens. These are one of the fields in which children can acquire information in order to develop their personalities through the numerous cultural and academic activities that they offer and which provide a good opportunity for children to study and familiarize themselves with everything that is happening in society and the world. Each kindergarten has a library that contains all the publications that can help to improve the child's mental faculties and can be of social and cultural benefit to the child within the limits of his or her capabilities and mental and psychological perception. In addition to books on religion and cultural heritage, the libraries in the kindergartens also contain international scientific books and local magazines and periodicals to further children's education;

(d) Educational excursions organized by schools, kindergartens and summer clubs to vital facilities and recreational locations in the State give children an opportunity to obtain first-hand information concerning their country's national institutions and excursions to archaeological sites promote their sense of national identity and increase their pride in their country and society;

(e) Internal and external (Arab and international) camps provide an essential opportunity to acquire information and establish cultural and social contact with external societies;

(f) Participation in children's radio and television programmes constitutes a means to broaden the child's linguistic and intellectual knowledge and to establish contact with others in order to accustom the child to hearing and respecting the opinions of others and enable the child to absorb, examine and sift the wide variety of information that he or she receives.

43. In addition to the governmental efforts in this field, private associations also play a leading role in this regard, as illustrated by the following.

44. The Kuwaiti Association for the Advancement of Children, which was established in 1980 as an association of public benefit, is seeking to promote knowledge concerning the early development of children and education in the Arab world and to help to develop new and appropriate scientific research as

well as diagnostic and technological material in an attempt to shed light on aspects of contemporary education that have not been studied by governmental or educational institutions. This Association has adopted a number of projects, including:

The encyclopaedia project.

The specialized educational symposia project.

The project for the development of children's literature.

The television messages, consisting in short television messages addressed to parents.

The Association's private information centre, containing modern books on the subject of child welfare. Before the Iraqi invasion of Kuwait, it contained more than 3,000 books, research publications, periodicals and children's stories. This centre was open to researchers and students interested in that subject.

One of the projects which the Association is diligently endeavouring to continue is the monthly children's book project. The aim of this vital project is to publish a complete library of books for children and young persons in the age group 3-12 years.

45. Another type of private body which is playing a role in making knowledge accessible to children is the Scientific Club, the aim of which is to help young persons to make the optimum use of their leisure time in such a way as to benefit both themselves and their country. It provides them with scientific and practical experience in a simple way under the supervision of specialists in various fields. Concerted endeavours have been made to turn this Club into a citadel of learning and knowledge. It has sought to cover the largest possible number of scientific hobbies in order to provide an opportunity for the maximum number of amateurs to practice their hobbies in the Club's premises where they can receive the requisite guidance from competent supervisors and meet other persons of various age groups with similar interests with whom they can exchange ideas and experiences.

The Scientific Club's general plan

46. The Young Scientists Stage: This stage is intended for members of both sexes in the age group 5-13 years and provides them with scientific and practical experience in a simple way under the supervision of specialists in various fields, thereby helping them to develop their talents and identifying gifted persons in each field. The Club has organized a special course, covering all its scientific branches, for a group of these members and, at the end of the course, an exhibition was held at which the projects prepared by the members themselves were presented. The results were promising in regard to the members' capacity to absorb knowledge, as well as their creativity and their desire to learn.

47. The General Activities Stage: This stage is intended for members aged 14 years and above who are actively engaged in the scientific branches covered by the Club, which currently number 11 branches. At this stage the aim is to help the young person to choose the hobby that he is most inclined to practise and which will significantly help to develop his personality, in addition to effectively influencing his choice of vocational career or his life in general.

48. The Future Scientists Department: This Department, which was established to promote the welfare of Kuwait's children, has drawn up the following general plan:

(a) To support Young Scientists Clubs in all educational districts of Kuwait;

(b) To implement programmes for highly gifted and creative persons in cooperation with the Office of the Dean for Student Affairs of the University as well as the Ministry of Education and the Public Authority for Practical Education;

(c) To monitor, and establish personal files on, highly gifted and creative persons;

(d) To hold scientific forums;

(e) To organize field visits and scientific camps;

(f) To establish special committees to monitor outstanding students at all academic levels and to submit periodic follow-up reports on their scientific development;

(g) To publish a monthly bulletin entitled "The Future" in order to monitor the Department's activities.

49. The aims of the Future Scientists Department are as follows:

(a) To develop the creative capacities and manual and intellectual skills of children in a scientific educational manner in order to enhance their scientific mode of thought;

(b) To teach scientific theories and concepts in a simplified but clear manner through scientific experiments conducted by the children themselves, and to provide a scientific explanation of all natural phenomena;

(c) To overcome the obstacle of awe or fear of scientific instruments and equipment;

(d) Endeavours to establish closer links between the Scientific Clubs and all national bodies concerned with such programmes;

(e) To endeavour to establish Young Scientists sections in all Kuwaiti clubs.

50. The opening of Young Scientists Clubs in kindergartens and at the primary stage of education: In order to cater for the welfare of Kuwaiti children and inspire them with a love of collective endeavour, the Department has established Young Scientists Clubs which it is seeking to propagate in all educational districts in Kuwait. The first Young Scientists Clubs were opened in some kindergartens in order to serve the population of the district in which they were established and other clubs were subsequently opened at the primary educational level.

51. The Club also organizes the following training courses for children:

A karate course.

A drawing course.

An English-language course for children aged 4-6 years.

An English-language course for children aged 7-10 years.

These courses have been attended by 57 children.

52. The Club's administration also organizes computer courses for children in order to provide a scientific environment in which they can develop their creative capacities with a view to producing a creative and highly educated young generation. This embodies the most important aims of the Scientific Club.

53. The Scientific Club has a library and an information centre which have been carefully formed in order to include every type of printed and audio-visual information. They comprise reference works and scientific publications in various specialized fields, in addition to films, slides, relief models, cassette tapes and records.

D. Freedom of thought, conscience and religion (art. 14)

54. The rights provided for in this article are guaranteed by article 35 of the Kuwaiti Constitution, which affirms that: "Freedom of belief is absolute. The State shall protect freedom of religious observance in accordance with established customs, provided that such is neither detrimental to public order nor incompatible with morality."

55. In confirmation of this right, article 109 of the Kuwaiti Penal Code prescribes a penalty of up to one year's imprisonment and/or a fine of up to 1,000 rupees for anyone who, in full awareness of the significance of his acts, destroys, damages or desecrates premises intended for religious observance or commits therein an act prejudicial to the requisite respect for the religion concerned.

56. Under the terms of article 111 of the said Code, anyone who publicly propagates views implying contempt for or derision or belittlement of a religion or a religious confession in an attempt to discredit its beliefs, observances, rites or teachings is liable to a penalty of up to one year's imprisonment and/or a fine of up to 1,000 rupees.

57. Although the religion of the State is Islam and Kuwaiti society is a Muslim society, there are groups which profess the Christian religion. They enjoy freedom to practise their religious observances and rites and are permitted to establish their own meeting places and churches.

58. It is noteworthy that the practice of religious observances in Kuwait is subject to no restrictions other than those provided for by law, which are necessary to protect public order and morals.

E. Freedom of association and peaceful assembly (art. 15)

59. This right is recognized in the Kuwaiti Constitution, article 43 of which stipulates that: "Freedom to form associations and trade unions on a national basis and by peaceful means shall be guaranteed in accordance with the conditions and procedures specified by law. No one shall be compelled to join an association or trade union."

60. Article 44 further stipulates that: "Individuals shall have the right of assembly, without any need for prior notification or permission, and no member of the security forces shall be entitled to attend such private meetings. Public meetings, processions and gatherings shall be permitted on the conditions and in the manner specified by law, provided that their purposes and the ways in which they are conducted are peaceful and not contrary to morality."

61. Pursuant to these provisions, the State promulgated Act No. 24 of 1962, which regulates the establishment of clubs and associations of public benefit in Kuwait.

62. Legislative Decree No. 65 of 1979, concerning public meetings and gatherings, specifies the procedures that must be observed when holding or organizing any meeting, procession, demonstration or gathering which is to take place in or pass through public thoroughfares or squares.

63. With regard to the provision of services for families and children, a number of private associations have been established to organize cultural, sports and educational activities for the benefit of all family members, particularly children. These include the sports clubs, the Kuwaiti Association for the Advancement of Children, the Women's Socio-Cultural Association, the Islamic Welfare Association, the Bayadir al-Salam (Peace Forums) Association, the Scientific Club and the Kuwaiti Association for the Welfare of the Disabled. Although their aims vary, all these associations are endeavouring to cater for the social welfare of family members through the cultural, educational and scientific activities that they organize with a view to promoting the advancement and welfare of families, and particularly of children.

F. Protection of privacy (art. 16)

64. This right is guaranteed by article 39 of the Kuwaiti Constitution, which stipulates that: "Freedom of postal, telegraphic and telephone communications shall be safeguarded and their confidentiality shall be

guaranteed. Such communications shall not be censored, nor shall their content be disclosed, except in the circumstances and in accordance with the procedures specified by law."

65. A special section of the Kuwaiti Penal Code (Act No. 16 of 1960) is devoted to offences committed against personal honour and reputation and penalties are prescribed for acts and offences that are likely to be prejudicial to the reputation, dignity or standing of any person (arts. 209-212).

66. Under the terms of article 55 of Act No. 31 of 1970 amending some provisions of the above-mentioned Penal Code, any official, public servant or person assigned to discharge a public service who takes advantage of his official authority to enter the home of any person without the latter's consent in circumstances other than those provided for by law, or without observing the legally specified rules and procedures, is liable to a penalty of up to three years' imprisonment and/or a fine of up to 225 dinars.

67. Article 56 of the same Act prescribes a penalty of up to three years' imprisonment and/or a fine of up to 225 dinars for any official, public servant or person assigned to discharge a public service who, taking advantage of his official authority, treats people in a violent manner in such a way as to dishonour them or cause them physical pain.

68. The Juveniles Act No. 3 of 1983 stipulates that anyone who exposes a juvenile to danger or incites him or her to commit acts of delinquency bears criminal responsibility therefor. Article 20 of the Act prescribes a penalty of up to three months' imprisonment for anyone who conceals a juvenile who, under the terms of the Act, is to be placed in the custody of a specified person or body. The same penalty applies to anyone who induces the said juvenile to abscond or assists therein. Article 21 stipulates as follows: "Without prejudice to any heavier penalty that might be prescribed in the Penal Code, the penalty prescribed in the preceding article shall also apply to anyone who exposes a juvenile to delinquency by teaching him or her to commit any of the offences specified in article 1 (c) of this Act, or by helping, inciting or in any way making it easier for the juvenile to engage in such misconduct, even if the juvenile does not actually become a delinquent. The penalty shall be a term of up to three years' imprisonment if the offender uses means of coercion or threats against the juvenile or if he is one of the juvenile's ascendants or a person responsible for the juvenile's upbringing or care or a person legally exercising authority over, or holding custody of, the juvenile."

69. From the above, it is clear that Kuwaiti legislation protects individuals, including children, from any encroachment on their privacy, communications and homes by prescribing appropriate penalties for anyone who violates that right.

G. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))

70. This right is guaranteed in article 31 of the Constitution under which it is prohibited to subject any person to torture or degrading treatment. That article stipulates that: "No person shall be arrested, detained, searched or compelled to reside at a given location, nor shall any person be restricted in his freedom of residence or movement, except as prescribed by law. No one shall be subjected to torture or degrading treatment."

71. Article 34 further stipulates that: "An accused person shall be presumed innocent until proved guilty at a legal hearing in which the requisite guarantees are provided for him to exercise the right of defence. It is prohibited to inflict physical or metal harm on an accused person."

72. Under the terms of articles 53, 54 and 56 of Act No. 31 of 1970 amending some of the provisions of the Penal Code (Act No. 16 of 1960), any official or public servant who tortures an accused person, an expert or a witness, orders a convicted person to be subjected to a punishment more severe than that to which he was legally sentenced, or enters the home of any person without the latter's consent in circumstances other than those provided for by law, is liable to the penalties prescribed in those articles.

73. The provisions of this article of the Convention are covered by article 14 of the Juveniles Act, which stipulates as follows:

> "(a) If a juvenile over 15 but under 18 years of age commits a felony punishable by death or life imprisonment, the judge shall sentence him to a term of not more than 10 years' imprisonment.
>
> "(b) If a juvenile commits an offence punishable by a term of imprisonment, he shall be sentenced to a penalty amounting to not more than half the maximum legally prescribed term of imprisonment.
>
> "(c) A juvenile shall not be sentenced to a fine amounting to more than half the prescribed maximum fine for the offence that he has committed, regardless of whether the said fine is imposed in conjunction with, or independently of, a term of imprisonment."

74. Hence, with regard to the imposition of penalties, we find that the above-mentioned Act provides juveniles with legal protection against the criminal penalties of death or life imprisonment, thereby showing due regard for their circumstances and their young age.

75. Furthermore, under article 6 of the Juveniles Act, a juvenile under 15 years of age who commits a felony or misdemeanor is not liable to the penalties prescribed in the Penal Code for those offences, in respect of which the judge has full discretion to take any of the following measures:

(a) A reprimand;

(b) Delivery into the custody of a guardian;

(c) Legal probation;

(d) Placement in a juvenile welfare institution;

(e) Placement in a reformatory.

76. As a token of the legislature's desire to safeguard the juvenile's future by showing due regard for his circumstances and young age, article 15 of the Juveniles Act stipulates that judgements handed down by the juvenile court are not deemed to constitute a criminal record which would affect the juvenile's future life or make it impossible for him to pursue a career. Under article 16 of the Act, except in the case of offences punishable by death or life imprisonment, the juvenile judge may take the measures specified in article 6, paragraphs (c), (d) and (e), of the Act instead of the above-mentioned penalties prescribed in article 14.

77. It should be noted that, on 28 March 1996, Kuwait acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was adopted by the General Assembly on 10 December 1984.

V. THE FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance (art. 5) and parental responsibilities (art. 18, paras. 1 and 2)

78. The State shows special concern for the Kuwaiti family, as can be seen from the numerous legislative enactments designed to safeguard family security and stability. The position adopted by Kuwaiti legislation in this regard is as follows.

79. The Kuwaiti Constitution, which forms the legal framework for the social legislation, contains numerous provisions which define the fundamental principles on which Kuwaiti society is based with a view to safeguarding human dignity, rights and freedoms. The Constitution also defines the responsibilities of the State towards the family and children. These principles are illustrated by the following texts:

(a) Article 7: Justice, freedom and equality are the pillars of society and citizens are bound together by the strongest ties of mutual help and understanding;

(b) Article 8: The State shall safeguard the pillars of society and shall guarantee security and equal opportunities for its citizens;

(c) Article 9: The family, being based on religion, morality and patriotism, is the cornerstone of society. The law shall preserve the integrity of the family, strengthen its ties and protect mothers and children within its framework;

(d) Article 10: The State shall cater for the welfare of young persons, whom it shall protect from exploitation and from moral, physical and spiritual neglect.

80. With regard to the position adopted in other Kuwaiti legislative enactments, section 5 of the Kuwaiti Personal Status Act contains provisions setting forth the conditions of entitlement to breast-feeding and custody, while section 6 regulates the question of maintenance, which must be provided by parents in accordance with articles 202 and 203 or, if they are indigent, by the person who would be responsible therefor in the absence of the parents.

81. In this connection, it might be useful to specify some of the aims of the policy of social solidarity designed to ensure the protection and development of the family in the State of Kuwait, which can be summarized as follows:

(a) The development and strengthening of links between social and educational institutions, and particularly between the family and the school, in order to incorporate the concept of democracy in the upbringing of future generations;

(b) The provision of a wide variety of social, health and recreational services for children and young persons;

(c) The development and mutual coordination of associations of public benefit, the improvement of their services in a manner consistent with the needs of local society, and the enhancement of the family's capabilities;

(d) The provision of preventive and remedial care for juveniles and persons exposed to delinquency, and the establishment of an appropriate and proper family environment for them;

(e) Promotion of the role of women in the socio-economic development process, with emphasis on their role in the upbringing of children and family care.

82. Accordingly, the competent authorities in the State, acting within their respective fields of jurisdiction, have taken the measures needed to achieve those and other aims which the State is pursuing in order to promote the advancement, development and protection of the family.

83. The Ministry of Social Affairs and Labour, which is one of the authorities concerned with the welfare of families and children, has taken appropriate measures to provide social services for families and their members, including mothers and children, through its various departments (the Children's Department, the Juvenile Welfare Department and the Family Fostering Department). Some of the main services that it provides are described below.

84. The opening of special centres for mothers and children: These centres, which are educational institutions for the benefit of children, supplement and facilitate the role of the family by organizing programmes to stimulate the awareness of mothers and children with a view to developing their various capabilities. During the first quarter of 1992, the number of children enrolled at these centres amounted to 5,024 (1,413 males and 3,611 females). An example of these centres can be found in the kindergartens which children attend free of charge and which provide them with cultural, religious,

educational, health and environmental services and activities with a view to instilling ideals and values into the minds of children and helping their parents to assume their responsibilities in regard to the upbringing of their children. The State is diligently endeavouring to develop these centres and provide them with the human and material resources and modern equipment needed to enable them to render the requisite services in the most efficient manner. The State is also endeavouring to establish model kindergartens in areas which lack such facilities in recognition of every family's right to benefit therefrom. These kindergartens provide services for the benefit of mothers as well as children by, for example, organizing religious and cultural symposia in all fields of private and public life, holding training courses in artistic and female occupations and teaching various skills. All these services are provided free of charge.

85. Youth centres: The aim of these centres is to cater for the welfare of the younger generation by enabling them to spend their leisure time on useful activities that develop their capabilities and promote their physical and social development. These centres have 5,400 members.

86. The Children's Home: This institution was established to provide care and shelter for the children of families that have been broken through death or divorce. It provides children with temporary accommodation, as well as health, psychological, social, recreational, educational and cultural care until their family circumstances improve. According to the statistics for November 1994, these homes were accommodating 57 male and 62 female children.

87. The Guest-House: On reaching the age of 10, children are transferred from the Children's Home to the Guest-House which, according to the statistics for 1994, was accommodating 82 males and 11 females.

88. Care of special categories: In keeping with the aim of protecting the Kuwaiti family and helping it to play its role, the Government assumes responsibility for special categories and provides them with appropriate care in order to give the family an opportunity to look after its children who are sound in mind and in body. The State also provides care and shelter for persons in the age group 8-17 who are delinquents or at risk of so becoming.

89. Nursery schools: The State is promoting the role of private nursery schools which organize appropriate programmes to develop the motor and linguistic capabilities of children and make a positive contribution to their psychological and social orientation under specialized supervision in premises equipped for that purpose. Private nursery schools are an important means to help parents, and particularly working mothers, to ensure that their children are in safe and trustworthy hands, since these institutions are healthy and secure educational establishments in which children can spend the day in the care of qualified female supervisors who help to develop their capabilities and prepare them psychologically and socially for the kindergarten stage.

90. The Children's Department at the Ministry of Social Affairs and Labour has drawn up statutes (promulgated in Act No. 73 of 1994) for private nursery schools with a view to developing the activities at these facilities in a manner conducive to the best interests of the child in all their health, security and psychological aspects. To this end, the competent authorities in

the State have taken care to ensure that nursery schools are available in most of the governorates in order to achieve an equitable distribution of the vital services that they provide. The State has also facilitated the procedures for government authorities to obtain a licence to open nursery schools in hospitals and cooperative associations in order to give parents and families an opportunity to benefit from child-care facilities and services. In its capacity as the body supervising nursery schools, the Ministry of Social Affairs and Labour conducts periodic inspections to monitor the extent to which nursery schools are complying with their statutes.

91. There are currently 30 nursery schools providing care for about 2,323 children under school age. Other State ministries, such as the Ministry of Public Health and the Ministry of Education, each in its respective field of jurisdiction, also provide every possible service to help Kuwaiti families to fulfil the task of rearing their children in the most appropriate manner, as will be noted in other sections of this report.

B. Separation from parents (art. 9)

92. The family is the child's primary environment and nothing can replace a natural and fully constituted family capable of discharging its functions in a proper manner. However, a family might lose one of its mainstays, thereby becoming an unsuitable environment for the upbringing of children, in which case separation might be necessary in the interests of the child. The Juveniles Act makes provision for such an eventuality by stipulating that, if a juvenile over 7 but under 15 years of age commits a felony or a misdemeanour, the judge may order a security measure consisting in: (a) a reprimand; (b) delivery into the custody of a guardian; (c) legal probation; (d) placement in a juvenile welfare institution; or (e) placement in a reformatory. If the guardian into whose custody the child should be delivered is deemed unfit to rear the child, the child is placed in the custody of a relative or any other trustworthy person who is fit and willing to rear the child and ensure his or her good conduct, failing which the child is placed in the custody of a trustworthy family the head of which is willing to undertake that task.

93. Under the terms of article 24 of the Juveniles Act, the juvenile court may, at the request of the Department of Juvenile Prosecutions, revoke some or all of the guardianship rights in respect of a juvenile if, during the period of his guardianship, the guardian is convicted of an act of rape or indecent assault, if he is sentenced to imprisonment for a period of 10 years or more, or if he endangers the juvenile's health, safety, morals or upbringing through ill-treatment. Should the court decide to revoke the guardianship, the relevant rights that are withdrawn from the guardian are immediately vested in a relative, a trustworthy person or the social welfare institution in which the juvenile is placed.

94. For purposes of the application of the provisions of the above-mentioned article, "guardian" means the father, the grandfather, the mother, the testamentary tutor or any person in whose custody the juvenile is placed by order or decision of the competent authority.

95. The provisions governing custody of a child in the event of separation of the child's parents are set forth in articles 189-199 of the Personal Status Act in which the interests of the child are the primary consideration.

96. With regard to the right of a child separated from one or both parents to maintain personal relations and direct contact (para. 3), it is noteworthy that article 196 of the Personal Status Act regulates the right to visit a child who has been placed in alternative care. This right is vested solely in the parents and grandparents but requires the agreement of the person holding custody of the child. Failing agreement concerning the time and place of the visit, the judge determines an appropriate periodic time and location. The location is determined in such a way as to make it possible for the child to be visited by the rest of his or her family with a view to promoting mutual affection, family harmony and bonds of kinship in order to avert any adverse psychological effects on the separated child.

97. With regard to the provision of information concerning the whereabouts of an absent parent or other member of the family, the competent authorities in the State provide the family with the requisite information regarding the person concerned. Moreover, any person who is detained or imprisoned enjoys full freedom to provide his family with information concerning his place of detention and any other place to which he might be transferred. This information may also be given to his lawyer or any other person with a legal interest therein.

C. Family reunification (art. 10)

98. The rights set forth in this article are guaranteed by Kuwaiti legislation and, in particular, by the Kuwaiti Constitution, article 28 of which stipulates that no Kuwaiti may be expelled from Kuwait or prevented from returning thereto. Under the provisions of the Passports Act No. 11 of 1962, every Kuwaiti citizen and the members of his family can enter or leave the country whenever they wish, provided that they hold a passport. Moreover, under the Residence of Foreigners Act No. 17 of 1959, any foreigner has the right to enter or leave Kuwait provided that he holds a passport issued by the competent authorities of his country or any other recognized authority.

99. Under the above-mentioned Act regulating the entry and residence of foreigners, the entry, departure and residence of foreigners are subject to no restrictions other than those prescribed by law and which are necessary to protect security or public order, health or morality.

100. In this connection, it is noteworthy that, as a result of the iniquitous Iraqi occupation of the State of Kuwait, many families were dispersed outside the country and the competent authorities, wishing to reunite those families for humanitarian reasons, worked in full coordination with the International Committee of the Red Cross during its supervision of the reunification operations that took place in response to requests for permission to return to the State of Kuwait (a list prepared by the International Committee of the

Red Cross and showing the numbers and nationalities of the persons who have been reunited with their families in the State of Kuwait is annexed hereto*).

D. Recovery of maintenance for the child (art. 27, para. 4)

101. Under the Kuwaiti Personal Status Act, a father has an obligation to maintain his wife and children not only while he is married but also in the event of dissolution of the marriage. However, in some cases in which the mother is wealthy and the father indigent, maintenance is payable by the mother and constitutes a debt recoverable from the father.

102. Under the terms of article 202 of the above-mentioned Act: "A wealthy father or other ascendant has an obligation to maintain his indigent son or descendant, if the latter is unable to earn a living, until such time as he becomes self-supporting". Inability to earn a living is a characteristic of young persons and females, since females are not expected to be subjected to the toil of labour and their fathers have no right to force them to work unless they are actually earning a living from a post or occupation, in which case they are deemed to be self-supporting.

103. Under the Act, the category of persons unable to earn a living includes disabled persons who are incapable of working and students whose studies leave them no time in which to earn a living. Article 203 stipulates as follows:

> "(a) If the father is indigent and the mother is wealthy, the latter has an obligation to maintain her child while retaining the right to reclaim such maintenance, as a debt, from the father if he becomes wealthy. The same applies if maintenance cannot be collected from the father due to his absence.
>
> "(b) If both the father and the mother are indigent, maintenance is payable by the person who would be responsible therefor in the absence of the parents and it is deemed to constitute a debt recoverable from the father if the latter becomes wealthy."

104. Article 205 stipulates that maintenance is payable from the date on which it is claimed or agreed upon and constitutes a recoverable debt which is extinguished only through payment or remission.

105. The personal status courts in Kuwait are competent to hear maintenance actions and the final judgements handed down by personal status divisions constitute evidence of title that can be invoked before all other divisions and are enforceable in the same way as other judgements.

106. In this connection, it is noteworthy that Kuwait has concluded many agreements with other States in order to regulate mutual legal aid in the civil, commercial, criminal and personal status fields.

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* Available for consultation in the files of the Secretariat.

E. Children deprived of their family environment (art. 20)

107. The rights set forth in paragraphs 1 and 2 of this article are covered by article 1 (c) of the Kuwaiti Juveniles Act which deals with juveniles who, lacking a trustworthy provider to supervise the material and social aspects of their upbringing, might become delinquent or be exposed to the risk of so becoming. This article specifies the situations in which a juvenile is deemed to be exposed to the risk of delinquency. Under article 19 of the said Act, if a juvenile is found to be in any of the situations specified in article 1 (c), the Juvenile Welfare Authority may bring him before the Department of Juvenile Prosecutions in preparation for a court hearing if such is required in the interests of the juvenile. The court is empowered to take any of the following measures:

(a) Delivery of the juvenile into the custody of his guardian, who must undertake to ensure his welfare;

(b) Delivery into the custody of a provider, in the absence of a guardian, who must undertake to ensure his welfare;

(c) Delivery into the custody of a social welfare institution for juveniles.

The Juvenile Welfare Authority may take any of these measures without a court order if the juvenile's guardian agrees to the measure.

108. Article 8 of the Juveniles Act stipulates that, if the guardian into whose custody the juvenile should be delivered is deemed unfit to rear him, the juvenile must be placed in the custody of a relative or any other trustworthy person who is fit and willing to rear the juvenile and ensure his or her good conduct, failing which the juvenile must be placed in the custody of a trustworthy family the head of which is willing to undertake that task.

109. If the juvenile possesses financial resources, or if someone has a legal obligation to maintain him, and the person into whose custody he is to be delivered applies for a maintenance order, the judge determines the amount to be taken from the juvenile's resources or paid by the person responsible for his maintenance.

110. It is noteworthy that both the juvenile and his guardian have the right to apply to the Juvenile Welfare Authority for the juvenile to be accommodated at the Guest-House for adolescents if the study of his social and family situation establishes the need for his temporary admittance to the house until he reaches the age of majority or until his family's circumstances change in such a way as to enable it to assume responsibility for his upbringing, bearing in mind the fact that, during his stay at the house, the juvenile is provided with all the services and types of care needed to ensure his welfare and upbringing under specialized supervision.

111. In addition to the above, in 1967 the State began to apply the family fostering system under which one or more children (of unknown parentage) from

the Children's Home are placed in the custody of a Kuwaiti family for purposes of their upbringing in recognition of the fact that family care is the most appropriate natural environment in which to rear children.

F. Adoption (reservation concerning this article) and illicit transfer and non-return of children abroad (art. 11)

112. In this connection, it should be noted that, under Kuwaiti law, all individuals have a guaranteed right to move freely and safely. Illicit transfer, as referred to in article 11, does not exist in the State of Kuwait.

113. The competent authorities in the State (the Ministry of Justice) are currently studying the possibility of concluding bilateral agreements with some States to regulate the custody of children and their movement across international borders.

G. Maltreatment and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)

114. The State has made child care and protection of the younger generation from exploitation and moral neglect one of the fundamental characteristics of Kuwaiti society, as indicated in article 10 of the Constitution, which stipulates that the State shall cater for the welfare of young persons, whom it shall protect from exploitation and from moral, physical and spiritual neglect. Pursuant to that constitutional obligation, the State has promulgated numerous legislative enactments to protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, as can clearly be seen from the Kuwaiti Penal Code which prescribes heavier penalties for offenders in cases in which the victim is a minor.

115. Article 159 of the Kuwaiti Penal Code illustrates the extent of the State's concern for children from the time of their birth. In fact, that article stipulates that any woman who deliberately kills her newborn child in order to avoid shame shall be liable to a penalty of up to five years' imprisonment and/or a fine of up to 5,000 rupees.

116. Articles 166 and 167 of the Penal Code prescribe penalties for family providers who fail to fulfil their obligations towards the members of their family. Article 166 stipulates that: "Anyone who, having a legal obligation to care for another person incapable of securing the vital necessities of life due to age, illness, mental disorder or restriction of liberty, regardless of whether the said obligation arises directly from a provision of the law or from a contract or a licit or illicit act, deliberately refrains from fulfilling his obligation in such a way as to cause harm or death to the victim, shall be punished, depending on the offender's intention and the extent of the harm caused, by the penalties prescribed in articles 149, 150, 152, 160, 162 and 163. If the non-fulfilment of his obligation was inadvertent and unintentional, the penalties prescribed in articles 154 and 164 shall apply". Article 167 stipulates that: "Any head of a family who, being responsible for the welfare of a young person under 14 years of

age, fails to fulfil his obligation to provide the young person with the necessities of life and thereby causes death or harm to the young person shall be liable to the penalties prescribed in article 166, depending on the wilful or involuntary nature of the said failure, the intention of the offender and the extent of the harm caused, even if the young person was not incapable of providing himself with the necessities of life".

117. Section Two of volume III of the Penal Code, concerning offences against honour and reputation, prescribes severe penalties for the perpetrators of offences against children or minors, particularly if the offender was one of the victim's ascendants, entrusted with the victim's upbringing or welfare or vested with authority over the victim.

118. Article 186 of the Code stipulates that: "Anyone who has sexual intercourse with a woman without her consent, through the use of force, threats or deception, shall be liable to the death penalty or life imprisonment. If the offender is an ascendant of the victim or if he was one of the persons entrusted with her upbringing or welfare or vested with authority over her or if he was her servant or a servant of any of the above-mentioned persons, he shall be liable to the death penalty".

119. According to article 189: "Anyone who, without using force, threats or deception, knowingly has sexual intercourse with a woman over 21 years of age who is within the prohibited degrees of kinship shall be liable to a penalty of up to 15 years' imprisonment. If the victim was over 15 but under 21 years of age, the penalty shall be life imprisonment. The above penalties shall be imposed on any guardian, tutor, curator or person entrusted with her custody, upbringing or welfare or the supervision of her affairs if he has sexual intercourse with her without using force, threats or deception".

120. Article 191 stipulates that: "Anyone who uses force, threats or deception to commit an act of indecent assault shall be liable to a penalty of up to 15 years' imprisonment. If the offender is an ascendant of the victim or if he was one of the persons entrusted with the victim's upbringing or welfare or vested with authority over the victim or if he was the victim's servant or a servant of any of the above-mentioned persons, he shall be liable to a penalty of life imprisonment. The aforementioned penalties shall be imposed if the victim was incapable of exercising willpower due to his or her young age, insanity or feeble-mindedness or if the victim did not realize the nature of the act or believed it to be lawful, even if the act was committed without force, threats or deception".

121. Under article 192: "Anyone who indecently assaults a young boy or girl under 21 years of age without using force, threats or deception shall be liable to a penalty of up to 10 years' imprisonment. If the offender is one of the victim's ascendants or was a person entrusted with his or her upbringing or welfare or vested with authority over the victim or if he was a servant of any of the above-mentioned persons, the penalty shall be a term of up to 15 years' imprisonment".

122. It should be noted that the juvenile welfare institutions and bodies concerned with juvenile affairs which were established pursuant to the provisions of the Juveniles Act provide a series of programmes, services and

types of care for juvenile delinquents, potential delinquents and victims of neglect or exploitation. Their basic aim is to rectify the behaviour and concepts of those juveniles and ensure their social, psychological and educational rehabilitation so that they can readapt to external society. This is achieved through social, health, vocational, educational and religious welfare services.

123. The programme of projects to develop the social and psychological services provided for students at schools run by the Ministry of Education states that one of the aims of those services is to protect students from exposure to the psychological problems that impede all aspects of their development. To that end, the social and psychological specialists at schools work closely with the students, help them to face any problems that they might encounter and provide protection for children who are temporarily or permanently deprived of a family environment.

VI. BASIC HEALTH AND SOCIAL WELFARE

A. Survival and development (art. 6, para. 2) and health and health-care services (art. 24)

124. In Kuwait, every citizen's right to health care is recognized by the State, as affirmed in the Kuwaiti Constitution, article 15 of which stipulates that: "The State shall concern itself with public health and ways to prevent and treat diseases and epidemics". Article 11 further stipulates that: "The State undertakes to aid citizens suffering from old age, sickness or inability to work through the provision of social security, social assistance and health-care services".

125. In Kuwait, the Ministry of Health, being the body responsible for health care, provides citizens with all the requisite preventive and therapeutic health services. It supervises not only health establishments and institutions engaged in activities relating to public health but also persons working in the field of health services and its supervisory jurisdiction extends to imported medical requisites and locally-manufactured pharmaceuticals.

126. With regard to primary health-care services, the State of Kuwait is making considerable endeavours to eliminate the causes and reduce the rate of child and infant mortality, which declined to 11.2 per 1,000 in 1994.

127. All preventive and therapeutic child health services provided at the primary health-care level or at hospitals, including vaccines and serums, are free of charge, as a result of which no cases of poliomyelitis or diphtheria have appeared in recent years and the incidence of other contagious diseases has been greatly reduced.

128. With regard to diseases caused by malnutrition, the State is diligently endeavouring to ensure the healthy nutrition of children, as a result of which no cases of malnutrition have appeared among children. Kuwait supplies all its population with pure drinking water, which is piped to their homes.

129. The Ministry of Health shows great concern for prenatal care and, to this end, has established centres at which mothers receive prenatal examinations and check-ups during the period of their pregnancy and are given the appropriate treatment, as well as postnatal care.

130. Kuwait is diligently promoting health awareness, particularly by providing parents with basic information concerning child health and drawing their attention to the importance of natural breast-feeding and the need to reduce reliance on synthetic milk and ready-made baby food.

131. In this connection, it is noteworthy that Kuwait has established a "Healthy Baby Clinic" which caters for all the preventive, therapeutic and rehabilitative health aspects of child care. In addition to significantly improving primary health-care services, this will also help to ensure the early detection of cases of disability among children. The Ministry of Health, believing child health to be the best form of investment for the future, is diligently endeavouring to provide the best health services for children.

132. The State also shows concern for children suffering from speech disorders, i.e. those who have difficulty in talking and communicating with people, as well as those suffering from psychological problems. For their benefit, the State has established specialized centres staffed by qualified personnel and equipped with the audiovisual aids needed to help children to learn and acquire linguistic skills.

B. Disabled children (art. 23)

133. In the State of Kuwait, disabled children receive full care and assistance from governmental and private bodies as indicated below.

Governmental bodies

134. The Ministry of Social Affairs and Labour: The Ministry of Social Affairs and Labour plays a leading and effective role in providing comprehensive services for disabled persons through:

(a) The Department for the Welfare of the Disabled, which provides accommodation, day care and subsequent home care for 750 disabled persons of both sexes at the following specialized centres that it operates:

(i) The Centre for the Care of Disabled Women and Children, which is providing care for 162 persons with multiple disabilities;

(ii) The Men's Social Rehabilitation Centre, which is providing care for 125 mentally retarded and epileptic persons;

(iii) The Centre for the Care of Disabled Men, which is catering for the needs of 85 persons suffering from multiple mental, physical and audiovisual disabilities;

(iv) The Social Rehabilitation Centre for Women and Children, which is providing care for 150 mentally retarded and epileptic persons;

(v) The Vocational Rehabilitation Centre, at which 125 trainable persons suffering from various disabilities are being trained and rehabilitated;

(vi) The Centre for the Care of the Aged, which is providing accommodation and home care for 105 disabled persons of advanced age.

The Department and its centres organize programmes, activities and direct services for disabled persons in the fields of social, psychological and medical care, nursing and physiotherapy, as well as vocational training, educational, artistic, sports and recreational programmes. About 1,300 staff of both sexes are employed in their specialized technical and administrative units;

(b) The Kuwaiti Club for the Disabled: This Club was established in the latter part of 1977 on instructions from His Highness the Amir of the country, may God preserve him, with a view to providing a full range of services for young disabled persons. It has more than 500 male and female members and is affiliated to international sports organizations for the disabled, such as the International Stoke Mandeville Wheelchair Sports Federation, the International Blind Sports Association, the Cerebral Palsy International Sports Recreation Association and the International Olympic Committee. The Club, which has won many individual and team championships and is endeavouring to promote closer contact between disabled persons and the local and international community, is supported and held in high esteem by all the officials in the State in view of the local, pan-Arab and international victories and championships that it has won;

(c) The Kuwaiti Club for the Deaf: This Club, which organizes various sports, cultural and social activities for its members with auditory disabilities, is supported and supervised by the Ministry of Social Affairs and Labour. Its members take part in many local and pan-Arab championships and in all specialized activities and championships for the deaf. It is affiliated to various international associations;

(d) The Rehabilitative Medical Centre: This Centre was established in 1991 by H.E. the Minister for Social Affairs and Labour as the nucleus of a rehabilitative medical sanatorium for disabled persons from care centres throughout the State. It provides comprehensive and appropriate medical and rehabilitative services, particularly for persons wounded in military operations and during the invasion. The Centre is still being equipped and prepared in a manner conducive to the achievement of its aims.

135. The Ministry of Education: Through its Special Education Department, the Ministry of Education is providing direct care and rehabilitation (education and training) for 1,339 disabled persons of both sexes at the following schools:

(a) The schools for the mentally disabled, which are catering for the needs of 762 mentally retarded students at three educational levels (kindergarten, primary and vocational rehabilitation);

(b) The Nur schools at which 69 male and female students suffering from visual disabilities are being taught;

(c) The Amal schools at which 295 male and female students suffering from auditory disabilities are being taught;

(d) The Raja schools, which are catering for the needs of 213 male and female students suffering from motorial disabilities;

In addition to education, all these schools provide a full range of medical, psychological, social and sports services and appropriate training for each category of their disabled students. They employ a staff of 587 technical specialists and instructors experienced in all fields of education, vocational training and rehabilitation.

136. The Ministry of Public Health: The Ministry of Public Health shows great concern for disabled children and is playing a major role in the prevention, early detection, diagnosis and treatment of disabilities and medical rehabilitation at the following centres, departments and hospitals:

The Maternal Care Department.

The Centre for Hereditary Diseases.

The Child Development Unit.

The Physiotherapy Hospital and its branches in the public hospitals.

The Public Health Department (Preventive Health).

The Prosthetics Centre.

The Psychiatric Hospital (Psychiatric Rehabilitation Department).

The Al-Ruqa'i Centre, which specializes in cases of psychological disability resulting from the iniquitous invasion.

The Centre for Speech and Auditory Therapy.

The Health Awareness Department.

The School Health Department.

The services of all these departments, centres and units are provided free of charge to all citizens, including disabled persons who receive full and special care.

Private bodies providing comprehensive care for disabled persons

137. The Kuwaiti Association for the Care of the Disabled: This is a private association of public benefit which receives material support from the Ministry of Social Affairs and Labour in furtherance of its endeavours to provide full health, social, psychological and physiotherapeutic services for the categories of persons suffering from multiple disabilities. It is currently providing care for about 220 disabled persons of both sexes. This Association, which is held in high esteem at the local and international levels for its efforts in the field of rehabilitation, is a prominent member of numerous private international organizations concerned with the care of the disabled. It has prepared many studies and has held specialized symposia on modern methods to prevent disability and provide care for the disabled. It applies a system of residential and day care and is endeavouring to integrate disabled persons in society. It has established branches in remote areas in order to provide services there. The Association, which has a large staff of specialists on matters relating to the care of the disabled, in addition to volunteers, supplements the services provided by the Government in this field.

138. The Kuwaiti Association for the Blind: This is a private association of public benefit which receives annual material support from the Ministry of Social Affairs and Labour. It organizes a number of special programmes and activities for the blind and is a member of the Regional Blind Federation and of several Arab and international organizations operating in this field.

139. The Kuwaiti Association to Combat Smoking and Coronary Diseases: This Association plays a role in preventing the occurrence of disability.

140. The Kuwaiti Association for the Prevention of Road Accidents: This Association plays an effective role in preventing road accidents.

141. The Paediatric Centre: This Centre plays a role in treating the educational problems of children in order to avoid the occurrence of disabilities.

142. The Al-Najat Charitable Association: This Association of public benefit provides services for all citizens and has a special fund to assist sick persons which is used to provide technical assistance in the form of compensatory appliances, prostheses, wheelchairs or hearing aids for disabled persons in need thereof. This equipment is supplied free of charge or at a symbolic cost covered by private donations. The Association plays a highly effective role in serving many sick persons who become disabled as a result of diseases, accidents or other causes of disability. Its fund to assist sick persons publishes informative preventive health bulletins which are distributed free of charge among all citizens in order to supplement the endeavours made by governmental and other private bodies in this field.

143. The activities undertaken by the private associations include the organization of symposia and lectures covering the following aspects of this field:

Types and causes of child disability and the importance of early intervention.

Developmental and psychological disorders in children.

Mental retardation.

The philosophy, aims and methods of the Association's educational services.

The "Makatun" programme.

The educational programme: content, use and evaluation.

Extensive developmental disorder and solitude.

Medical treatment, health care and ancillary medical services.

The role of the school in regard to the disabled child.

Extensive developmental disorders.

Medical treatment and health care of the disabled child, ancillary medical services, the importance of early treatment and training, an overview of epilepsy and ways to deal with the situation.

Disability in childhood.

The Kuwaiti Association's integrated and improved social services for children and their families.

Modern trends in the training and care of the disabled through a field experiment using the techniques, methods and procedures of the "Komoko" programme.

Solitude.

The humanitarian needs of the disabled person, his local and international status and modern trends in the care of the disabled.

Academic skill and behavioural disorders.

Educational theories and ways to apply them in order to understand the personality of the child and deal with children in an educational situation.

The characteristics of education and ways to use them in order to understand the personality of the child and deal with children in an educational situation.

The characteristics and educational role of the school for disabled children, the moral considerations that it must take into account and the features that it must possess.

The evaluation of disabled children.

The nature and development of intelligence.

C. Social security and child-care services and facilities (art. 26 and art. 18, para. 3)

144. The State of Kuwait regards social security as a basic right of citizens and an important component of socio-economic stability, as affirmed in article 11 of the Kuwaiti Constitution which stipulates that: "The State undertakes to aid citizens suffering from old age, sickness or inability to work through the provision of social security, social assistance and health-care services". Accordingly, the State has promulgated the following legislation.

145. Amiral Decree No. 61 of 2 September 1976 promulgated the Social Insurance Act covering all Kuwaitis working in the governmental, private and petroleum labour sectors in Kuwait. This Act was characterized by its comprehensive applicability and the wide range of risks against which it provided protection. In addition to life insurance and old-age pensions, its provisions also covered sickness and incapacity, as well as some categories of Kuwaitis (employers, self-employed, persons working in liberal professions, members of the National Assembly or municipal councils, district mayors and categories permitted to benefit from its provisions by decision of the Minister of Finance subject to approval by the Governing Body of the General Organization for Social Insurance) who were given the opportunity to join the insurance scheme on a voluntary basis. Under the terms of this Act, the State established the General Organization for Social Insurance, which assumed responsibility for the application of the social insurance scheme.

146. According to the above-mentioned Act, the categories entitled to benefit from social security are:

(a) Kuwaitis working for an employer, for whom insurance is compulsory;

(b) The insured Kuwaitis referred to in article 53 of the Social Insurance Act (members of the National Assembly and municipal councils, district mayors, persons engaged in liberal professions and tradespeople).

147. "Employer", as defined in the Act, means any individual or body corporate employing workers and engaged in a trade or profession, as well as governmental agencies, bodies and organizations, regardless of whether their budgets are independent or subsidiary to the State budget, and other public authorities.

148. The provisions of the Social Insurance Act do not apply to military personnel serving in the army, the police or the National Guard, who are subject to Act No. 27 of 1961 concerning the salaries and pension entitlements of military personnel serving in the armed forces.

149. It is noteworthy that, under the terms of Act No. 11 of 1 March 1988, Kuwaitis working outside Kuwait or inside the country for an employer to whom the provisions of the above-mentioned Act No. 61 of 1976 do not apply are allowed to participate, on a voluntary basis, in the social insurance scheme provided for in section III of that Act, subject to the provisions contained in the articles of Act No. 11 of 1988.

150. Act No. 56 of 1989, which was promulgated in accordance with directives issued by the Amir of the country, made provision for higher civilian and military retirement pensions in respect of children born to an insured person, a beneficiary or a pensioner after his separation from service.

151. Under the above-mentioned Act No. 61 of 1976, a child has a guaranteed right to receive benefits in accordance with the provisions of article 63, which stipulates that: "The following beneficiaries, regardless of whether they are Kuwaitis or non-Kuwaitis, who, on the date of the death of the insured person or the pensioner, meet the conditions of entitlement specified in the following articles shall be entitled to receive the proportions of his pension specified in the schedule annexed to this Act with effect from the first day of the month in which his death occurs: (a) his spouse or widow; (b) his children; (c) his parents; (d) his brothers and sisters; (e) his grandchildren.

152. The Public Assistance Act: In keeping with the firmly established principles on which Kuwaiti society is based and, in particular, the principle of social solidarity which has been deeply rooted in this society since its birth, at the very beginning of the legislative process the State promulgated the Public Assistance Act No. 9 of 1962 under which the State undertook to protect every Kuwaiti from misfortune. Act No. 5 of 1968 subsequently rectified the shortcomings that had been found in the preceding Act.

153. The Public Assistance Act No. 22 of 4 July 1987 set forth the rules and regulations governing the granting of public assistance to Kuwaiti families and individuals. According to article 2 of the Act, its provisions apply to Kuwaiti families and individuals residing in the State of Kuwait and who are entitled to the assistance payable to the categories defined in subsequent decrees.

154. It is noteworthy that Act No. 22 of 1987 covers the main risks to which Kuwaiti families are exposed, such as:

(a) Loss of the family provider, as in the case of widows and orphans (arts. 2 and 18);

(b) Sickness or certified incapacity of the family provider (art. 2);

(c) Financial inability of the family provider to meet his personal expenses, as in the case of insolvent persons and the families of persons serving a prison sentence;

(d) Other special cases, such as disaster-stricken families which do not fall within the categories entitled to assistance (art. 29).

155. The above-mentioned Act permits the allocation of additional assistance to families and individuals shouldering specific burdens or for the achievement of social aims other than those mentioned in the preceding articles.

156. Pursuant to the above-mentioned Act, a decree was promulgated under which the amounts of assistance were increased and the categories of needy persons entitled thereto were defined as follows:

(a) Widows supporting children and lacking a source of income;

(b) Divorced women who have completed their legally specified waiting period (after which remarriage is permitted) and who, lacking a source of income to support their children by their former husband, require State assistance to ensure a decent life for themselves and their children;

(c) Elderly persons over 60 years of age who lack a source of income to support their wives and children;

(d) The wives and children of convicted prisoners for whom the State has an obligation to ensure a decent life when they lack any source of income;

(e) Disabled persons over 18 but under 60 years of age who are totally or partially incapable of earning a living to support their families;

(f) Sick persons who are incapable of earning a living to support themselves, their wives and their children;

(g) Financially insolvent persons whose family income is too low to support their wives and children and who are found to be incapable of performing other types of work to increase their income;

(h) Anyone who lacks a source of support and can prove that he is enrolled at a school and continuing his compulsory education.

157. Families receive assistance through the social assistance offices, numbering 19 in 1990/91, which have been established throughout the country and each of which serves from four to five residential districts.

158. With regard to the measures that the State has taken to ensure that the children of working parents enjoy the child-care services and facilities to which they are entitled (art. 18, para. 3), in addition to the governmental programmes and institutions providing child-care services to which reference has already been made in connection with article 18, under the Civil Service Statutes promulgated on 4 January 1979 working women are granted facilities to enable them to assume their maternal responsibilities. Article 47 of the said Statutes stipulate that female civil servants are entitled to special maternity leave on full pay for a period of two months, non-deductible from their other periods of leave provided that they give birth during the said period.

159. Under the terms of Ordinance No. 1 of 1993, the Civil Service Board authorized the granting of special leave on half pay for a period of four months following the maternity leave in order to enable female civil servants to care for themselves and their children. Under the same Ordinance, a mother can be granted a period of leave on full pay if she has a sick child

in hospital whose condition necessitates her presence. A recently divorced or widowed woman is also entitled to leave on full pay for a period of 4 months and 10 days in order to complete her waiting period.

D. Standard of living (art. 27, paras. 1-3)

160. With regard to the rights referred to in this article, it has already been indicated, in connection with article 27 concerning the recovery of child maintenance, that the Kuwaiti legislature, wishing to safeguard the right of the child to a standard of living consistent with his or her basic requirements, including food, drink, clothing, housing, medical treatment and education, has assigned the primary responsibility for maintenance to the father, after which it devolves on the mother and other relatives in cases in which the father is indigent.

161. Furthermore, on humanitarian grounds and in recognition of the need to protect Kuwaiti mothers and their children in difficult circumstances with which they might be faced, the Kuwaiti legislature decided that the Public Assistance Act would also apply to the Kuwaiti wives of non-Kuwaitis and their children from the latter if the husband was medically certified to be incapable of performing any work or if he was faced with unforeseen circumstances necessitating assistance. This provision was added under the terms of Act No. 54 of 1979 amending the Public Assistance Act. The amendments also made provision for other exceptional cases in which, for example, assistance became payable, on humanitarian grounds, to the children of a Kuwaiti widow or divorced woman who had been married to a non-Kuwaiti husband. This constituted an exception to the rule that the Public Assistance Act applied solely to Kuwaiti families and individuals.

162. From the above, it is evident that Kuwaiti law seeks to ensure an adequate standard of living for Kuwaiti and non-Kuwaiti children.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance (art. 28) and the aims of education (art. 29)

163. The Kuwaiti Constitution recognizes the rights set forth in the above-mentioned articles. Article 40 of the Constitution guarantees the right to education, which is compulsory and free of charge at the primary stage. In fact, article 40 stipulates that: "All Kuwaitis have a right to education, which is guaranteed by the State in accordance with the law and within the limits of public order and morality. By law, primary education shall be compulsory and free and a plan to eliminate illiteracy shall be promulgated. The State shall show particular concern for the physical, moral and intellectual development of young persons".

164. Accordingly, Legislative Decree No. 4 of 1987, concerning public education, affirmed the right of all Kuwaitis to education, as well as the right of students to be given opportunities to further their overall spiritual, intellectual and physical development in an integrated manner in accordance with the principles of Islam, the Arab heritage, contemporary

culture and the nature, customs and traditions of Kuwaiti society (arts. 2 and 3). As stipulated in article 4 of the said Act, education is provided free of charge in Kuwait.

165. The upbringing and education of children are among the objectives to which the State accords great attention and importance, believing that the younger generation has the abilities and capacities needed to develop the country and keep in step with modern civilization in an age that is characterized by its technological language and its scientific orientation.

166. The school is the factory in which human resources are produced, since education forms the basis of progress and development. Accordingly, the State, represented by the Ministry of Education, has diligently endeavoured to achieve the desired goal and has made considerable progress in its efforts, which culminated in the promulgation of a document defining the general aims of education in the State of Kuwait and a document defining the aims of the various stages of education.

The aims of education in Kuwait

167. The overall aim which the Ministry of Education, in its capacity as the basic institution responsible for education in Kuwait, is seeking to achieve through its educational endeavours can be summarized as the provision of appropriate opportunities to help individuals to achieve full and comprehensive spiritual, moral, intellectual, social and physical development to the greatest extent permitted by their aptitudes and capacities in the light of the nature, philosophy and aspirations of Kuwaiti society, the principles of the Islamic Shariah, the Arab heritage and contemporary culture in such a way as to ensure a balance between the self-fulfilment of individuals and their preparation to play a constructive participatory role in the advancement of Kuwaiti society in particular and Arab and international society in general.

168. Bearing in mind this overall aim, the fundamental principles governing the education system in Kuwait can be summarized as follows:

(a) Education is the basic process of developing every individual member of society, on which the manifold aspects of all development plans are based. Education has become an indispensable requirement since individuals can rely on the opportunities for comprehensive and integrated development that it offers;

(b) Everyone has a right to education, which the State has an obligation to provide in accordance with the provisions of its Constitution, law and legislation. The Ministry of Education, being the body responsible for ensuring the enjoyment of this right, applies the principle that education should be compulsory, free of charge and accessible to all (children, young persons and adults, regardless of their sex). Although education is compulsory only at the primary and intermediate levels, it is provided free of charge up to the end of the university or equivalent level;

(c) Everyone's capabilities and aptitudes can be developed through education. Accordingly, in addition to the general education provided for all, the Ministry of Education makes other types of education available to categories with special needs, such as:

(i) Children attending special schools at which they receive education adapted to their particular needs and abilities;

(ii) Children who are slow learners and require special educational care in which due regard is shown for their particular stage of development and their needs in order to prepare them for working life in the same way as their normal counterparts. The Ministry organizes special programmes with the help of international experts specialized in the education of such children;

(iii) Children who are unable to learn or have difficulty in communicating with others. Special educational and training programmes are used to enable each of these categories to overcome the handicaps that might cause them to fail in their studies if they were left without special educational care to facilitate their integration in ordinary academic life through the special educational programmes organized by the Ministry;

(iv) Talented and gifted persons who are likely to hold high-ranking posts in their future careers. The Ministry endeavours to identify gifted students at an early stage in order to offer them special supplementary programmes to develop their talents in a manner consistent with their outstanding abilities and their aspirations;

(v) Illiterate adults who missed the opportunity to receive an education in their youth. The Ministry has established special centres at which they can overcome their illiteracy and continue their studies through adult education programmes.

In this way, the Ministry ensures that everyone capable of learning is given an opportunity to receive an education in accordance with his or her abilities and needs, thereby promoting the advancement of all members of society in a manner consistent with their individual needs and the aims of the social development plans;

(d) Education has both traditional and modern aspects in so far as it pays due regard to the inherently Arab and Muslim nature of Kuwaiti society, the special characteristics of which are derived from its Islamic faith and culture, while at the same time preparing students to absorb the latest modern developments and innovations and keep abreast of progress in scientific and technological fields, as can be seen from the fact that computer science has become a basic subject at the secondary level and preparations are currently being made for its inclusion in the curricula at the intermediate level.

169. From the above, it is evident that the aims of education in Kuwait are consistent with the provisions of article 29 of the Convention.

170. The stages of education in Kuwait are defined as follows:

(a) The kindergarten stage at which children are enrolled from the age of four for a period of two years. Kuwait attaches special importance to this stage, at which it provides all the material and human resources, equipment, supplies and modern educational aids needed to ensure the full development of the child's intellect and social awareness;

(b) The primary stage at which students are enrolled from the age of six for a period of four years. Kuwait attaches the highest importance to this stage which constitutes the broad base of the education system and, consequently, is constantly being expanded. It should be noted that education is compulsory at the primary and intermediate stages;

(c) The intermediate stage, at which students are enrolled for a period of four years after the primary stage. It completes the period of compulsory studies and great care is therefore taken to prepare its academic curricula and organize its schools in a proper manner consistent with the importance of this stage of education;

(d) The secondary stage, of four years' duration, in which two systems are applied: the two-stream system and the curricula system which evolved from the ongoing process of developing and modernizing the education system.

171. According to the statistics for the year 1994/95, the total number of fully operational schools amounted to 574, divided into the following categories:

138 kindergartens (constituting 24 per cent of the total number of schools).

174 primary schools (30.3 per cent).

155 intermediate schools (27 per cent).

107 secondary schools (18.6 per cent).

172. The total number of male and female students amounted to 276,094, distributed among the educational stages and kindergartens in the following proportions:

13.9 per cent at kindergartens.

32.8 per cent at primary schools.

30.9 per cent at intermediate schools.

22.4 per cent at secondary schools.

173. With a view to catering for the welfare of all its citizens without exception, the State provides various forms of education, including parallel education which absorbs students who have failed in general education in order to create a national labour force. In parallel education, the processes of training and education go hand in hand with a view to the creation of a qualified national manpower base.

174. Parallel education differs from technical education in so far as the former is vocational technical education that focuses on endowing students with the requisite practical skills and abilities through practical, technical and theoretical training programmes specially designed for that purpose while, at the same time, enabling them to acquire a certain amount of knowledge and information. The period of study in this form of education is four years, during which the students are paid an annual cash allowance.

Higher education

175. In the State of Kuwait, higher education is supervised by the Ministry of Higher Education, which is responsible for all matters relating to university-level and applied education and the scientific research carried out at institutes and colleges of higher education for the benefit of society and in order to meet the country's needs for specialists, technicians and experts in various fields. The Ministry of Higher Education undertakes the following functions:

(a) Formulation of the general framework of the policies and plans needed to develop and monitor the twin branches of university and applied education;

(b) Supervision of the higher educational institutions to ensure that they are discharging their tasks in accordance with the legislation and regulations governing their activities;

(c) Encouragement of scientific research at the various higher educational institutions and establishments;

(d) Promotion of academic, cultural, sports and youth welfare activities;

(e) Establishment of close links between Arab and international universities, higher educational institutions and academic establishments.

176. In Kuwait, higher education is provided through:

Kuwait university.

The Academy for the Musical Arts, at which students study for four years during which they are paid monthly allowances.

The Academy for the Dramatic Arts, at which students study for four years during which they are paid monthly allowances.

The public authority for applied education, which runs the following institutions:

The College of Basic Education (four-year course of study).

The College of Commercial Studies (two-year course).

The College of Health-related Sciences (two-year course).

The College of Technological Studies (two-year course).

177. In this connection, it is noteworthy that the State is eagerly supporting and developing all educational systems, at all their stages, in order to enable them to keep pace with modern developments in a manner consistent with their scientific and academic aspirations by turning educational institutions into an attractive environment in which they can play their educational and social role in regard to their programmes, students and teaching staff. The State also meets the material, technical and manpower requirements of educational projects. To this end, a national committee supervised by a governing body comprising experts in the field of education has been established for an indefinite period to promote education in the country.

B. Leisure, recreation and cultural activities (art. 31)

178. The State, acting through the Ministry of Education, the Ministry of Social Affairs and Labour, the National Council for Culture, Arts and Literature and the Public Authority for Youth, has shown great concern for this matter.

The Ministry of Education

179. This Ministry attaches great importance to the numerous school activities in which students eagerly take the opportunity to practise their cultural, social, artistic, scientific and other hobbies. To this end, the Ministry has established a School Activities Department to supervise the following activities: social and cultural activities at school; radio and television programmes; summer clubs which offer a wide range of activities, including excursions, during the summer holidays. These summer clubs play a role in developing the talents of children through various useful activities which provide a form of recreation, dispel boredom and listlessness, promote closer relations between teachers and students and enable the latter to spend their leisure time in a useful and instructive manner through participation in the various activities that the Ministry of Education organizes at those clubs. The summer clubs have been equipped with all the games and other requisites needed to develop the abilities of young children. Their activities, which are constantly monitored by the School Activities Department, are supervised by competent instructors devoted to the advancement of the future generation.

180. The aims of these school activities are derived from the aims of education in Kuwait and, like the latter, are based on the nature, Islamic faith and cultural heritage of Kuwaiti society while, at the same time,

showing due regard for the nature of the modern day and age and the need to promote the development of students in a manner consistent with their special characteristics.

181. The aims that these school activities are endeavouring to achieve include:

(a) The provision of opportunities for students to cultivate scientific modes of thought and develop their innovative and creative abilities;

(b) The provision of an opportunity to benefit from leisure time;

(c) Development of the mental faculties and physical fitness of students with a view to enhancing their intellectual and physical abilities;

(d) Achievement of a balanced personality through exercise and training to face various problems;

(e) Diversification of activities with a view to the achievement of full overall development within the context of social requirements.

The above are only some of the many aims that these school activities are seeking to achieve through their cultural, social, artistic and scientific programmes.

The Ministry of Social Affairs and Labour

182. The aim of the kindergartens, which were first established in 1963, is to provide a safe place offering ample scope for children to satisfy their need to play freely, to practise their hobbies and to develop their creative abilities under carefully planned and purposeful supervision. These institutions also develop social contact between the groups of children participating in joint activities, children's camps and various gatherings which help them to establish closer activity-related social links.

183. These kindergartens provide various religious, cultural, artistic, social, recreational and sports activities in a friendly atmosphere in which participants enjoy full freedom to engage in recreational activities. They also enable children to take part in cultural and artistic life through actual participation in cultural activities, including broadcasting which gives children an opportunity to express their views. The activities of the Bibliophile Association likewise provide children with an opportunity to read and study.

184. Children also have an opportunity to express themselves through dramatic art activities in which they learn to speak and express themselves boldly in public in a relaxed atmosphere in the company of other children from the same age group.

The National Council for Culture, Arts and Literature

185. This Council regards children's culture as one of the focal points of its activities to which it devotes a large part of its endeavours. Every year, the Council organizes activities for children in various age groups, including:

(a) The annual festival of children's books and games which, in addition to an exhibition of books and games, includes a series of cultural and artistic activities including artistic performances, discussion groups, literary and artistic competitions and freestyle painting studios for children;

(b) The Council periodically organizes freestyle painting studios for children in various parts of Kuwait under the supervision of specialized teachers who provide children with instruction and guidance in order to identify, encourage and enhance their emerging talents;

(c) The Council also organizes Kuwait's annual exhibition of children's paintings.

The Public Authority for Youth

186. This Public Authority, which enjoys corporate personality and is supervised by the Ministry of Social Affairs and Labour, was established under the terms of Act No. 43 of 1992 to look after the affairs of young persons, provide them with care and strengthen and develop their physical, moral, intellectual and artistic abilities in order to ensure that they will grow up to become good citizens from the religious, social, physical and cultural standpoints. The Authority concerns itself with sports activities, which it is endeavouring to support, promote and develop throughout the country. It supervises the junior sports organizations that have been established in all parts of Kuwait so that young persons can practise various sports and other activities appropriate to their age groups.

187. The Authority also supervises Kuwait's sports federations and is encouraging young persons of various age groups to participate in local, Arab and international sporting events in collaboration with international federations specialized in this field.

188. The associations of public benefit also play an obvious role by organizing recreational, cultural and scientific programmes with a view to developing the talents of children and encouraging them to display their abilities to the delight of their parents or guardians. These associations include the Women's Cultural Association, the Bayadir al-Salam Association, the Young Women's Club and the Islamic Welfare Association.

VIII. SPECIAL PROTECTION MEASURES

A. Children in states of emergency

1. Refugee children (art. 22)

189. Although the State of Kuwait has not yet acceded to the Convention relating to the Status of Refugees of 1951 or the Protocol relating to the

Status of Refugees of 1967, it has always been quick to provide material and moral aid and assistance in various fields and at all levels, as recently illustrated by its provision of humanitarian aid to the thousands of Iraqi refugees living in camps in the province of Khuzistan in the south-west of the Islamic Republic of Iran. This aid, consisting of three shipments, the last of which was dispatched in June 1995, and other subsequent assistance were welcomed by the women, children and elderly persons living in those camps. Kuwait has also provided substantial aid for countries afflicted with natural disasters.

2. Children in armed conflicts (art. 38)

190. Kuwait acceded to the Geneva Conventions of 1949 under the terms of the Decree promulgated on 12 August 1967. It also acceded to the Protocols Additional to the Geneva Conventions on 3 December 1984. Those Conventions have been in force as part of the country's domestic legislation since their publication in the Official Gazette.

191. In keeping with its Islamic faith and its humanitarian values, the State of Kuwait diligently respects international humanitarian law and is committed to the international instruments in that respect, as well as the Charter of the United Nations.

192. In this connection, it is noteworthy that, under Kuwaiti law, no one under 18 years of age is permitted to enlist for military service. Article 2 of the Police Force Regulatory Act No. 23 of 1968 stipulates that everyone appointed to serve in the police force must be over 21 years of age. Article 2 of Legislative Decree No. 102 of 1980, concerning compulsory service in the regular armed forces and the reserve, stipulates that military service is obligatory for every male Kuwaiti over 18 years of age. Article 32 of the Army Act No. 32 of 1967 further stipulates that everyone appointed to serve in the army must be over 21 years of age.

193. From the above, it is evident that, under the Kuwaiti legislation regulating enlistment for military service, persons under 18 years of age cannot be recruited for military service nor are they allowed to participate in military operations. The purpose of this prohibition is to prevent the involvement of children in armed conflicts, older persons being accorded priority in regard to participation in the country's defence.

194. With regard to paragraph 4 of this article, the Civil Defence Department at the Ministry of the Interior is responsible for protecting civilians, communications, buildings, installations and institutions.

195. It is noteworthy that article 1 of Legislative Decree No. 21 of 1979, concerning civil defence, takes a broad view of civil defence, the aims of which it defines firstly in specific and then in general terms. It states that the aim of civil defence is to protect civilians and safeguard communications, telecommunications, buildings and installations, etc. from the dangers of air raids and other acts of war or sabotage and to mitigate the effects of such acts if they occur. Hence, civil defence includes protection not only from the dangers of air raids but also from all acts of war and any acts of sabotage, even those resulting from non-military operations in time of

war or peace. Civil defence also has a role to play in the event of public disasters and, in general, implies the safeguarding of national security in all circumstances. Article 2 lists the means to be used to achieve these aims while stressing the general principle that the said means include everything conducive to the achievement of the aims of civil defence; in other words, the list is representative and not exhaustive since, from time to time, ongoing scientific progress reveals new ways and means of civil defence, which develops in accordance with the development of the weapons used to attack towns and cities.

196. Article 3 stipulates that the Minister of the Interior bears the primary responsibility for civil defence. It also designates the Department of Civil Defence as the body responsible for the formulation and implementation of civil defence plans, projects and measures in collaboration with all the Ministries and agencies concerned.

197. Article 4 made provision for the establishment of a Civil Defence Committee, consisting of representatives of the bodies involved in civil defence activities, to coordinate the civil defence plans and measures proposed by those bodies.

B. Young offenders

1. Administration of juvenile justice (art. 40)

198. Article 40 stresses that States should recognize the right of every child who has infringed the law to be treated in a manner consistent with the child's dignity, young age and rights. It is noteworthy that Kuwait respects these rights to a large degree through its application of the Juveniles Act No. 3 of 1983 which regulates the treatment of juveniles in the light of their age and also safeguards their social, legal and development-related rights and protects them from any problems that they might encounter.

199. Presumption of innocence until conviction is a basic principle set forth in the Kuwaiti Constitution, article 34 of which stipulates that: "An accused person shall be presumed innocent until proved guilty at a legal hearing in which the necessary guarantees are provided for him to exercise the right of defence".

200. Under article 1 of the Kuwaiti Penal Code, an act does not constitute an offence and is not punishable as such unless it is so designated by law.

201. The principle that a juvenile or child should be presumed innocent until proved guilty in accordance with the law is applied, in a clear and direct manner, to juvenile delinquents who, under the terms of the Act, must be presumed innocent failing proof to the contrary. In fact, the Juveniles Act takes care to stipulate that a juvenile, his family or the person responsible for him can be indicted only at a fair trial after a full investigation.

202. Article 25 of the above-mentioned Juveniles Act further stipulates that: "One or more juvenile courts, consisting of a single judge, shall be established as part of the judicial system".

203. According to article 26, the juvenile court is vested with judicial and penal authority in all cases involving juvenile delinquents. It also exercises tutelary authority to look into the circumstances of juveniles at risk of becoming delinquent and whom the Juvenile Welfare Authority decides to refer to the court through the Department of Juvenile Prosecutions as provided for in article 19. The juvenile court is vested with sole competence to hear cases in which juveniles are charged with a felony or a misdemeanour or in which the Juvenile Welfare Authority deems them to be at risk of becoming delinquent (art. 27).

204. Juveniles charged with a felony or misdemeanour have a priority right to appoint a person to defend them. If the juvenile stands accused of a felony and neither he nor his guardian has appointed a lawyer to defend him, the court must designate a lawyer to undertake that task. However, if the juvenile is accused of a misdemeanour, the court has discretionary power to decide whether it should designate a lawyer to defend him.

205. One of the outstanding characteristics of the above-mentioned Act is that, primarily with a view to safeguarding the interests of the juvenile, it stipulates that the juvenile courts must sit in camera and can be attended only by the juvenile, his relatives, witnesses, lawyers, probation officers and persons whose presence is specially authorized by the court. According to article 4 of the Act, the provisions of the Penal Code concerning repeated offenders do not apply to juveniles.

206. The provision contained in article 40, paragraph 2 (b) (v), is covered by article 33 of the Juveniles Act, which stipulates that a court which has handed down a judgement against a juvenile may at any time review, rescind or modify its judgement or sentence if so requested by the Department of Juvenile Prosecutions, provided that such request is accompanied by the reports submitted to the Department by the authorities responsible for juvenile welfare if the measure ordered is deemed to be incompatible with the juvenile's situation. When a judgement is reviewed, only the measures provided for in the Act may be imposed.

207. Article 36 stipulates that: "With the exception of measures consisting in a reprimand, delivery into custody, legal probation or placement in a reformatory, the judgements handed down by the juvenile courts are subject to appeal in accordance with the Code of Criminal Procedure".

208. Article 37 stipulates that: "An appeal may be lodged, at the request of the juvenile, his legal representative or the Department of Juvenile Prosecutions, with the Misdemeanours Appeal Court if the offence constitutes a misdemeanour, or with the Supreme Court of Appeal if the offence constitutes a felony".

209. The right to have the free assistance of an interpreter if the child cannot understand or speak the language used is guaranteed by article 17 of the Code of Criminal Procedure which stipulates that, if the accused or any of the witnesses are not familiar with the Arabic language, the court must avail itself of the services of an interpreter in order to ensure that the accused understands the statements of the witnesses and the proceedings at the hearing.

210. With regard to the measures that the States parties are required to take in accordance with article 40, paragraph 3, it should be noted that article 5 of the Juveniles Act stipulates that anyone who, at the time of committing an offence, was under seven years of age is not liable to criminal prosecution.

211. The above-mentioned Act also empowers the judge to take any of the following measures against a juvenile over 7 but under 15 years of age who commits a felony or misdemeanor:

(a) A reprimand;

(b) Delivery into the custody of a guardian;

(c) Legal probation;

(d) Placement in a juvenile welfare institution;

(e) Placement in a reformatory.

212. The Juveniles Act makes provision for institutional care for juveniles in order to ensure that they are treated in a manner appropriate to their circumstances by stipulating that a juvenile who is at direct risk of becoming delinquent must be handed over to the competent authorities in the Ministry of Social Affairs and Labour, who must provide appropriate premises for his reception. The Juvenile Welfare Authority must also take action in his regard within the time-limit set by the Minister for Social Affairs and Labour.

213. The above-mentioned Act further indicates that, if a juvenile is found to be in a situation in which he is at risk of becoming delinquent, the Juvenile Welfare Authority may bring him before the Department of Juvenile Prosecutions in preparation for a court hearing if such is required in the interests of the juvenile. The court is empowered to take any of the following measures:

(a) Delivery of the juvenile into the custody of his guardian, who must undertake to ensure his welfare;

(b) Delivery into the custody of a trustworthy provider, in the absence of a guardian;

(c) Delivery into the custody of a social welfare institution for juveniles.

The Juvenile Welfare Authority may also take any of the above measures without a court order if the juvenile's guardian agrees to the measure.

214. In this connection, it is noteworthy that, as already indicated in the introduction to this report, Kuwait, represented by the Ministry of Social Affairs and Labour, is currently reviewing the provisions of the Juveniles Act No. 3 of 1983 with a view to rectifying the shortcomings discovered in the course of its application over a period of more than 10 years and in order to bring it into line with the provisions of the Convention on the Rights of the Child.

2. Children deprived of liberty, including any form of arrest, detention or imprisonment (art. 37 (b), (c) and (d))

215. The Juveniles Act No. 3 of 1983 shows due regard for the rights set forth in article 37 and, as already mentioned, made provision for the establishment of a special court to hear juvenile cases and a Department of Juvenile Prosecutions. It also made provision for the establishment of specialized institutions in which juveniles can be accommodated separately from adults and in which they are provided with all the requisite services, since juveniles are considered to be victims of social and psychological circumstances and are not regarded as criminals.

216. The institutions established under the terms of the Act include the remand centre in which juveniles accused of committing offences can be remanded in custody by order of the Department of Juvenile Prosecutions.

217. The Act refers to the social welfare institutions, at which juveniles at risk of becoming delinquent are cared for until their social circumstances improve, and the penal institutions in which juveniles sentenced to imprisonment by a juvenile court are accommodated and cared for. All these institutions are run by specialized staff under the supervision of the Ministry of Social Affairs and Labour.

218. Article 17 of the Act stipulates that: "Sentences of imprisonment imposed in accordance with article 4 shall be served in special juvenile penal institutions which shall be regulated by the Minister for Social Affairs and Labour in consultation with the Minister of the Interior."

219. Under the terms of article 18, juveniles who are directly at risk of becoming delinquent must be handed over to the competent authorities at the Ministry of Social Affairs and Labour, who must provide appropriate premises for their reception. The Juvenile Welfare Authority must also take action in their regard within the time-limit set by the Minister for Social Affairs and Labour.

220. Article 22 further stipulates that, if it is decided that a juvenile delinquent should be remanded in custody in the interests of the investigation or in the interests of the juvenile himself, the Department of Juvenile Prosecutions may order his remand in custody for a period of no more than one week from the date of his arrest.

221. Under the terms of article 23, if so requested by the Department of Juvenile Prosecutions, a juvenile judge may order a juvenile delinquent to be remanded in custody at a remand centre for a period of up to 30 days, renewable for one or more similar periods. He may also place the juvenile in the custody of his guardian, who must undertake to ensure his appearance in court whenever so required.

222. Article 48 stipulates that the remainder of the prison sentences imposed on juveniles before the entry into force of the Act must be served in the penal institutions referred to in article 1 thereof.

223. A comparison of the above legal texts and other provisions contained in the Juveniles Act with the provisions of paragraphs (b), (c) and (d) show that the Act covers the provisions set forth in those paragraphs and pays due regard to the interests and age of juveniles in all the proceedings relating to their trial and imprisonment. The other rights set forth in article 37, including the child's right to legal assistance and the right to challenge the legality of the deprivation of his or her liberty before a court or other competent authority are duly respected in Kuwaiti law as explained elsewhere in this report.

3. Sentencing of juveniles, particularly the prohibition of capital punishment and life imprisonment (art. 37 (a))

224. As already indicated in connection with the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment and elsewhere in this report, under Kuwaiti law a child under seven years of age is not liable to criminal prosecution. Moreover, a juvenile over 15 but under 18 years of age cannot be sentenced to death or life imprisonment, these two penalties being commuted into lighter penalties. This is fully in accordance with the provisions of article 37 (a) of the Convention.

C. Child victims of exploitation, including physical and psychological recovery and social reintegration (art. 39)

225. In addition to the information provided elsewhere in this report concerning the humanitarian role played by the social welfare institutions established under the terms of the Juveniles Act, and concerning the ways in which they cater for the health, psychological, educational and social welfare of juveniles with a view to their training, rehabilitation and social reintegration through the programmes offered by those institutions, article 40 of the Juveniles Act stipulates that the function of the probation officer is to fulfil the requirements of legal probation in accordance with the order in which the juvenile court placed the juvenile under probation. To that end, he may summon the juvenile placed under his surveillance, or the juvenile's guardian, to the probation office in order to provide the juvenile with advice, counselling and moral aid and assistance in order to solve his problems. The probation officer must submit a monthly report on the juvenile's situation and must notify the juvenile court of any violation of the conditions of his probation. If necessary, he may request the court to terminate or modify the conditions of the probation or to take another measure against the juvenile.

226. According to article 43, the Department of Juvenile Prosecutions is empowered to order the release on probation of a juvenile delinquent who has been sentenced to imprisonment under the terms of the Act provided that he has served half the period of his sentence, that he has been of good conduct during the period spent in the penal institution and that he is expected to be of good conduct after his release.

227. The above-mentioned provisions clearly illustrate the role of the probation officer, who is responsible for supervising juveniles whom a judge has ordered to be placed under his surveillance in a natural environment for a

period of time determined in consultation with the probation office in accordance with the juveniles' social circumstances and the extent to which they might improve.

228. The State, represented by its various institutions, is endeavouring to promote the reform, rehabilitation and social reintegration of delinquents in a healthy environment conducive to the preservation of their self-respect and dignity. The State also shows concern for the rehabilitation of children and other social categories who were subjected to torture or other forms of cruel or inhuman treatment during the iniquitous Iraqi occupation of Kuwait. To this end, it has established a Social Development Office, attached to the Office (Diwan) of the Amir, which considers the cases of persons who were subjected to psychological pressures, the cases of children suffering from speech difficulties and the cases of other persons faced with psychological and social circumstances that render them incapable of social communication. The Social Development Office has a number of branches, staffed by qualified specialists with experience in this field, which are furthering the Office's endeavours to achieve its aims.

1. Economic exploitation, including child labour (art. 32)

229. Article 41 of the Kuwaiti Constitution stipulates that: "Every Kuwaiti has the right to work and to choose the type of his work. Work is a duty incumbent on every citizen and is necessitated by his personal dignity and the public interest. The State shall endeavour to make work available on equitable terms."

230. Article 42 further stipulates that: "No one shall be required to perform forced labour except in the circumstances provided for by law in a national emergency and in return for fair remuneration."

231. These constitutional principles were further elaborated in Act No. 38 of 1964, concerning employment in the private sector, as amended by Act No. 43 of 1986.

232. The employment of young persons is regulated in a special section of the above-mentioned Act, article 32, paragraph 1, of which recognizes the right of the child to protection from economic exploitation and from the performance of any work that is likely to be hazardous, prejudicial to the child's education or detrimental to his or her physical, intellectual, spiritual, moral or social well-being.

233. Article 18 of the Act prohibits the employment of persons of either sex under 14 years of age in order to ensure that such young persons receive an appropriate amount of education.

234. Article 19 of the same Act makes the employment of persons from 14 to 18 years of age subject to the following conditions:

(a) They must obtain a permit from the Ministry of Social Affairs and Labour;

(b) They must undergo a medical examination before taking up employment and at periodic intervals thereafter;

(c) They must not be employed in the industries or occupations which the Ministry of Social Affairs and Labour has designated as hazardous or detrimental to health.

235. The above-mentioned conditions clearly ensure that children are not employed in occupations that are detrimental to their health or their physical, intellectual, spiritual, moral or social development.

236. With regard to the provision contained in article 32, paragraph 2, concerning the obligation of States to take legislative measures to ensure the implementation of that article and, in particular, to provide for a minimum age or minimum ages for admission to employment, appropriate regulation of the hours and conditions of employment and appropriate penalties or other sanctions to ensure the effective enforcement of this article, it is noteworthy that, through its regulation of the rights of working children, the Kuwaiti legislature anticipated the provisions of article 32, all of which are being fully implemented through the Private Sector Employment Act.

237. Article 17 of the Act stipulates that, for purposes of the implementation of the provisions of the Act, "juvenile" means any male or female over 14 but under 18 years of age. The Act prohibits the employment of persons of either sex who are under 14 years of age.

238. With regard to appropriate regulation of the hours and conditions of employment, article 21 of the above-mentioned Act prohibits the employment of juveniles at night, i.e. from sunset to sunrise. Article 22 sets the maximum number of working hours of juveniles at six hours per day, with the proviso that they must not be required to work for more than four consecutive hours, which must be followed by a rest period of not less than one hour.

239. In order to compel employers to strictly respect the legal provisions contained in the above-mentioned Act, various penalties are prescribed for anyone who violates those provisions, as can be seen from the text of article 97 which stipulates that:

> "Without prejudice to any penalties provided for in other legislation or court orders, anyone who violates the provisions of this Act or its implementing regulations shall be liable to the following penalties:
>
> "(a) The offender shall be served notice to remedy the violation within a time-limit set by the Ministry.
>
> "(b) If the violation is not remedied within the time-limit set, the offender shall be fined 3 dinars in respect of each worker affected by the violation.
>
> "(c) If the violation is not remedied after the imposition of the fine provided for in paragraph (b), the offender shall be fined 5 dinars in respect of each worker affected by the violation".

2. Illicit use of narcotic substances (art. 33)

240. Articles 206-208 of the Penal Code (Act No. 16 of 1960) prescribe appropriate penalties for offences involving the smuggling of narcotic substances, regardless of whether they are brought into the country for habitual or occasional personal use or for purposes of trafficking therein.

241. Section VII of Act No. 74 of 1983, concerning measures to regulate the use of narcotic substances and prevent trafficking therein, sets forth the legally prescribed penalties for anyone who violates the provisions of the Act. Articles 31-38 specify the penalties to be imposed on anyone who imports a narcotic substance or substances for purposes of trafficking therein or who imports or cultivates a narcotic plant for habitual or occasional personal use or for purposes of trafficking therein.

242. Section VI of Act No. 48 of 1987, concerning measures to regulate the use of psychotropic substances and prevent trafficking therein, prescribes the penalties to be imposed on anyone who violates the provisions of the Act. Articles 37, 38, 39, 43 and 44 set forth the penalties applicable to anyone who imports or exports psychotropic substances or preparations without a licence with a view to trafficking therein, as well as the penalties applicable to anyone who possesses, purchases, acquires, produces or processes narcotic substances or preparations with a view to their habitual or occasional personal use or trafficking therein. Accordingly, it is evident that the import, export, manufacture and use of narcotic substances constitute offences under Kuwaiti legislation, which prescribes deterrent penalties therefor.

243. In addition to the above, on 3 October 1989 Kuwait signed the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, which was adopted by the General Assembly in 1988, and is currently preparing to ratify that Convention. It has also signed the Arab Convention against Narcotic Drugs.

244. Moreover, being convinced of the importance of bilateral cooperation to prevent illicit traffic in narcotic drugs which are having a highly detrimental effect on the peoples of the world, the State is in the process of concluding bilateral cooperation agreements in this regard with a number of other countries with a view to the promotion of cooperation and exchanges of information in this connection.

245. In addition to the legislative measures that Kuwait has taken in this regard, in keeping with its belief in the importance of young persons and the effective role that they can play in furthering the country's development and progress and the consequent need to provide them with special care and protection from anything that might cause them harm, given the detrimental effect of narcotic substances which are a dangerous scourge that jeopardizes the lives of young persons and children and impedes their development and social productivity, government agencies such as the Ministry of Education and the Ministry of the Interior are playing a prominent role in this field by organizing public awareness campaigns to draw attention to the dangers posed by these harmful substances and their adverse effect on individuals and

society as a whole. Those agencies also publish booklets describing the various types of these narcotic substances and explaining the harmful effects of their use and ways to combat them.

3. Sexual exploitation and sexual abuse (art. 34), sale, traffic and abduction (art. 35) and other forms of exploitation (art. 36)

246. The State has taken effective measures to protect children from various forms of exploitation since, as already stated elsewhere in this report, the welfare of the younger generation is one of the State's essential priorities.

247. Family cohesion is necessary to protect children from deprivation and exploitation and the role of the family is defined in the Kuwaiti Constitution, article 9 of which stipulates that: "The family, being based on religion, morality and patriotism, is the cornerstone of society. The law shall preserve the integrity of the family, strengthen its ties and protect mothers and children within its framework".

248. The phenomenon of the sale of children in some societies is linked to the factor of ignorance. However, the State of Kuwait is committed to the principle of compulsory education, which it regards as a lantern that lights the way to national progress, as indicated in article 13 of the Constitution which stipulates that: "Education, being a fundamental requirement for social progress shall be guaranteed and promoted by the State".

249. In addition to the provisions of the Constitution which set forth the rights of the younger generation vis-à-vis the State, Kuwait has also promulgated numerous legislative enactments to protect children from any form of moral or physical exploitation as can clearly be seen from the heavier penalties that the Kuwaiti Penal Code prescribes for offences against minors.

250. With regard to the measures that the State of Kuwait has taken to prevent child prostitution and child pornography, the Penal Code contains strict provisions under which such acts are deemed to constitute legally punishable offences the penalty for which is increased if one of the parties involved is below the legal age. With regard to incitement to commit acts of debauchery and prostitution, article 200 of the Penal Code stipulates that: "Anyone who incites a male or female person to commit acts of debauchery or prostitution, or in any way assists therein, shall be liable to a penalty of up to one year's imprisonment and/or a fine of up to 1,000 rupees. If the victim is under 18 years of age, the penalty shall be a term of up to two years' imprisonment and/or a fine of up to 2,000 rupees". Section II of the Penal Code, concerning offences against honour and reputation, prescribes severe penalties for the perpetrators of offences against children or minors, particularly if the offender is one of the victim's ascendants, entrusted with the victim's upbringing or welfare or vested with authority over the victim, as already indicated in connection with article 19 of the Convention.

251. Similarly, with regard to the use of coercion to induce persons, and particularly children, to engage in debauchery or prostitution, article 201 of the above-mentioned Code prescribes a more severe punishment by stipulating that: "Anyone who uses coercion, threats or deception to induce a male or female person to engage in debauchery or prostitution shall be liable to a

penalty of up to five years' imprisonment and/or a fine of up to 5,000 rupees. If the victim was under 18 years of age, the penalty shall be a term of up to seven years' imprisonment and/or a fine of up to 7,000 rupees".

252. One of the causes of the proliferation of the phenomenon of the sale of children, child prostitution and child pornography is the breakup of families or parental delinquency. Accordingly, the State hastened to promulgate the Juveniles Act under which, at the request of the Department of Juvenile Prosecutions, the juvenile court is empowered to suspend all or some of the rights of custody over juveniles, particularly if the parents have manifestly neglected the welfare of their children. In such cases, the State assumes responsibility for the care of those children in order to rescue them from the quagmire of the unnatural environment in which they were living and place them under the protection of the State in social welfare institutions which have an obligation to care for them and protect them from delinquency pending the completion of their social rehabilitation and the development of their productive abilities by isolating them from all the influences that led to their delinquency and by subjecting them to supervision and social guidance with a view to ensuring their harmonious reintegration in society. Accordingly, as stipulated in the Juveniles Act, a juvenile is deemed to be at risk of delinquency if he or she engages in acts associated with debauchery, prostitution, gambling or narcotic drugs or enters the service of anyone engaged therein.

253. As already indicated, the Kuwaiti Labour Act prohibits the employment of children at a young age for fear that they might be exposed to various forms of exploitation and physical coercion.

254. Abduction and illicit trafficking in children, the sale of children and the exploitation of their difficult living conditions constitutes a new form of slavery that is incompatible with human dignity and values. This prompted the State to prohibit such modes of behaviour through the provisions contained in article 185 of the Penal Code, which stipulates that: "Anyone who causes a person to enter or leave Kuwait with a view to disposing of the said person as a slave, and anyone who purchases, offers for sale or gives away a person as a slave, shall be liable to a penalty of up to five years' imprisonment".

255. It is evident to all observers of the phenomenon of the sale of children and their exploitation in an inhuman and undignified manner that there is a close link between this phenomenon and schemes for the adoption of children of unknown parentage, particularly if those schemes are not subject to legal regulation or control by the competent authorities in the States concerned with this phenomenon. Consequently, the State of Kuwait is eager to ensure the welfare of illegitimate children, whom it regards as the victims of offences committed by others. In fact, by promulgating the Family Fostering Act, the State has organized ways to deal with this category of persons deprived of the care of their lawful parents. In article 1 of that Act, the family fostering system is defined as meaning "the placement of one or more children from the children's home run by the Ministry of Social Affairs and Labour in the care of a Kuwaiti Muslim family which, on behalf of the State, will provide them with shelter, cater for their welfare and assume responsibility for their upbringing in accordance with the procedures and conditions laid down in the Act". The Act also makes provision for cases in

which individuals or families might undertake to foster children of unknown parentage without observing the stipulations contained in the Act. For example, under article 4: "It is prohibited for individuals or bodies to engage in any family fostering activity. It is likewise prohibited for any family or person to foster a child of unknown parentage without observing the provisions of this Act".

256. The role of the Family Fostering Department is not confined to placing children in the care of families wishing to foster them; the Department also monitors the manner in which these families care for the fostered children and, in the event of their failure to observe the fostering conditions specified in the Act, the fostered children are removed from their custody and returned to the Family Fostering Department. Under the terms of article 9 of the Act: "The Ministry of Social Affairs and Labour may take any preventive measures to protect the fostered child, even before a court decision revoking custody. To this end, the Ministry may demand custody of the fostered child, in which case the foster parent shall have no right to refuse to hand over the child".

257. From the above, it is evident that the State of Kuwait has diligently taken the measures needed to enable it to preclude any possibility of the emergence of the phenomenon of the sale or exploitation of children for purposes of prostitution or other illicit sexual practices. These legislative enactments could not have been put into effect but for the awareness manifested by Kuwaiti society and its eagerness to apply the precepts of the noble Islamic religion, which urges its adherents to ensure the welfare of children, uphold the rights of orphans and generously reward persons who undertake their upbringing in a proper manner conducive to their development into men and women capable of contributing to social progress.

258. Furthermore, it should be noted that the legal position of the State of Kuwait is not confined to the promulgation of national legislation to protect children in this regard; the State has also actively supported and commended all the international endeavours that have been made to protect children from all forms of ill-treatment. To that end, it has eagerly acceded, inter alia, to the following international conventions which prohibit such inhuman acts and practices:

The Slavery Convention of 1926.

The Protocol amending the Slavery Convention.

The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

D. Children belonging to minorities or indigenous population groups (art. 30)

259. In Kuwait, there are no children belonging to minorities or indigenous population groups (as defined in the ILO Convention concerning Independent and Tribal Peoples in Independent Countries), since Kuwaiti society is characterized by its cultural, religious and linguistic homogeneity.

List of annexes

1. The Constitution of the State of Kuwait promulgated in 1962.

2. Legislation

Act No. 16 of 1960 promulgating the Kuwaiti Penal Code.

Act No. 31 of 1970 amending some provisions of the Penal Code promulgated in Act No. 16 of 1960.

The Juveniles Act No. 3 of 1983.

Act No. 74 of 1983 concerning the regulation of the use of narcotic drugs and the prevention of trafficking therein.

Legislative Decree No. 48 of 1987, concerning the regulation of the use of psychotropic substances and the prevention of trafficking therein.

Amiral Decree No. 15 of 1959 promulgating the Kuwaiti Nationality Act.

Legislative Decree No. 21 of 1979 concerning civil defence.

Decree No. 82 of 1977 concerning family fostering.

Section V of Act No. 38 of 1964 concerning employment in the private sector, as amended by Act No. 43 of 1986.

The Registration of Births and Deaths Act.

The Public Assistance Act No. 22 of 1978.

The Personal Status Act No. 51 of 1984.

3. Ordinances

Ordinance No. 1 of 1993 concerning the granting of special leaves on full or half pay.

Ministerial Ordinance No. 73 of 1994 concerning nursery schools and their statutes.

4. Booklets

Official documents on education.

Kindergartens in Kuwait.

The situation in regard to primary education.

School activities.

The Scientific Club: a unique experiment.

General statistics on governmental public education.

5. Reports

Report of the Children's Department for 1995.

Half-yearly report of the Children's Department for the period 1 January-30 June 1996.

Administrative report of the Women's Bayadir al-Salam Association for the years 1990, 1991 and 1992.

Report of the President of the Women's Socio-Cultural Association for the years 1993 and 1994.

The tenth and eleventh annual reports of the Kuwaiti Association for the Advancement of Arab Children.

The administrative report of the Children's Rehabilitation and Education Centre for 1993.

A report on the activities of the Islamic Welfare Association.

A model file on an inmate of the Juvenile Welfare Department.